

# STATE OF NEW YORK

4989

2019-2020 Regular Sessions

## IN SENATE

April 3, 2019

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to establishing a daily licensing fee on transportation network company drivers in a city with a population of one million or more

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1292 of the tax law, as added by section 18 of part  
2 AAA of chapter 59 of the laws of 2017, is amended to read as follows:

3 § 1292. Imposition. (a) There is hereby imposed on every TNC a state  
4 assessment fee of 4% of the gross trip fare of every TNC prearranged  
5 trip provided by such TNC that originates anywhere in the state outside  
6 the city and terminates anywhere in this state.

7 (b)(1) Any TNC driver authorized to drive in the city shall pay a per  
8 day licensing fee for each TNC digital network, as defined by subdivi-  
9 sion two of section sixteen hundred ninety-one of the vehicle and traf-  
10 fic law, that such TNC driver accesses for purposes of soliciting any  
11 prearranged trips. Such licensing fee shall be ten dollars per day per  
12 TNC digital network accessed, and shall be valid for a twenty-four hour  
13 period, which shall begin when a TNC digital network is accessed for  
14 purposes of soliciting any prearranged trips. In no case shall the  
15 licensing fee imposed by this subdivision be passed along to passengers.

16 (2) The licensing fee collected pursuant to this subdivision shall be  
17 remitted to the metropolitan transportation authority finance fund  
18 established by section twelve hundred seventy-h of the public authori-  
19 ties law, by a TNC on a quarterly basis.

20 (3) Any TNC who fails to collect and/or remit the licensing fee pursu-  
21 ant to this subdivision shall be liable for a civil penalty of not more  
22 than one thousand dollars for each violation, which shall be recovered  
23 in a civil action brought by the attorney general.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 § 2. Section 1298 of the tax law, as added by section 18 of part AAA  
2 of chapter 59 of the laws of 2017, is amended to read as follows:

3 § 1298. Deposit and disposition of revenue. (a) All taxes, fees,  
4 interest and penalties collected or received by the commissioner under  
5 this article shall be deposited and disposed of pursuant to the  
6 provisions of section one hundred seventy-one-a of this chapter.

7 (b) Notwithstanding subdivision (a) of this section, the licensing  
8 fees collected pursuant to subdivision (b) of section twelve hundred  
9 ninety-two of this article shall be remitted to the metropolitan trans-  
10 portation authority finance fund established by section twelve hundred  
11 seventy-h of the public authorities law.

12 § 3. This act shall take effect on the thirtieth day after it shall  
13 have become a law.