

# STATE OF NEW YORK

10102

## IN ASSEMBLY

March 12, 2020

Introduced by M. of A. PICHARDO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to processing fees resulting from credit card or other non-cash payments selected by passengers of taxicabs and for-hire transportation

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

1 Section 1. Subdivision (c) of section 1283 of the tax law is amended  
2 by adding a new paragraph 4 to read as follows:

3 (4) The surcharge imposed by this article must be passed along to  
4 passengers and separately stated on any receipt that is provided to such  
5 passengers, and may include, if permitted by the regulatory agency, any  
6 processing fees resulting from a credit card or other non-cash payment  
7 option selected by such passenger. The passing along of such surcharge  
8 shall not be construed by any court or administrative body as the im-  
9 position of the surcharge on the person or entity that pays for the for-  
10 hire transportation trip. All regulatory agencies must adjust any fares  
11 that are authorized by them to include the surcharge imposed by this  
12 article, and may adjust such authorized fare to include any processing  
13 fees imposed on the payment of such surcharge, and must require that any  
14 meter or other instrument used in any for-hire vehicle regulated by it  
15 to calculate fares be adjusted to include the surcharge and any attend-  
16 ant fees where authorized. Any processing fees charged to passengers  
17 shall also be separately stated on any receipt provided to passengers.

18 § 2. Paragraph 1 of subdivision (b) of section 1299-b of the tax law,  
19 as added by section 2 of part NNN of chapter 59 of the laws of 2018, is  
20 amended to read as follows:

21 (1) The surcharge imposed by this article must be passed along to  
22 passengers and separately stated on any receipt that is provided to such  
23 passengers, and may include, if permitted by the regulatory agency, any  
24 processing fees resulting from a credit card or other non-cash payment  
25 option selected by such passenger. The passing along of such surcharge  
26 shall not be construed by any court or administrative body as the im-  
27 position of the surcharge on the person or entity that pays for the for-

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

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1 hire transportation trip. All regulatory agencies must adjust any fares  
2 that are authorized by them to include the surcharge imposed by this  
3 article, and may adjust such authorized fare to include any processing  
4 fees imposed on the payment of such surcharge, and must require that any  
5 meter or other instrument used in any for-hire vehicle regulated by it  
6 to calculate fares be adjusted to include the surcharge and any attend-  
7 ant fees where authorized. Any processing fees charged to passengers  
8 shall also be separately stated on any receipt provided to passengers.

9 § 3. (a) For purposes of this section, the term "surcharge" shall  
10 mean:

11 (i) the taxicab improvement surcharge, the rush hour surcharge and the  
12 nighttime surcharge imposed on taxicab fares pursuant to section 58-26  
13 of the rules of the city of New York; and

14 (ii) any other surcharge imposed on taxicab or other for-hire trans-  
15 portation fares which is not specifically set forth in section 1283 or  
16 1299-b of the tax law, or in paragraph (i) of this subdivision.

17 (b) Notwithstanding any law, rule or regulation to the contrary, any  
18 surcharge imposed upon a taxicab or for-hire transportation fare must be  
19 passed along to passengers and separately stated on any receipt that is  
20 provided to such passengers, and may include, if permitted by the  
21 authorizing regulatory agency, any processing fees resulting from a  
22 credit card or other non-cash payment option selected by such passenger.  
23 The passing along of any such surcharge shall not be construed by any  
24 court or administrative body as the imposition of any such surcharge on  
25 the person or entity that pays for the taxicab or for-hire transporta-  
26 tion trip. All regulatory agencies must adjust any fares that are  
27 authorized by them to include any surcharges imposed by the state or any  
28 other governmental body, and may adjust such authorized fare to include  
29 any processing fees imposed on the payment of such surcharge or  
30 surcharges, and must require that any meter or other instrument used in  
31 any taxicab or for-hire vehicle regulated by it to calculate fares be  
32 adjusted to include such surcharge or surcharges and any attendant fees  
33 where authorized. Any processing fees charged to passengers shall also  
34 be separately stated on any receipt provided to passengers.

35 § 4. This act shall take effect on the ninetieth day after it shall  
36 have become a law.