STATE OF NEW YORK

5031

2019-2020 Regular Sessions

IN SENATE

April 3, 2019

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to enacting the "Samantha L. Josephson ridesharing safety act" to require transportation network company drivers to display the TNC company's trade dress

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

Section 1. This act shall be known and may be cited as the "Samantha L. Josephson ridesharing safety act".

§ 2. Subdivision 5 of section 1696 of the vehicle and traffic law, as added by section 2 of part AAA of chapter 59 of the laws of 2017, is amended to read as follows:

5. **(a)** The department shall promulgate regulations **consistent with this subdivision** to ensure that each TNC vehicle is easily identified as such and that the TNC for which the TNC driver is providing the TNC service or TNC prearranged trip is distinguishable. Such marking shall be in such form as is approved by the commissioner, and shall be attached, affixed or displayed in such manner **consistent with this subdivision** as he or she may prescribe by regulation.

(b) A TNC vehicle shall display a consistent and distinctive sign or emblem, which shall be known as a trade dress, at all times when the TNC driver is active on the TNC digital platform or providing TNC service. The trade dress used by the TNC shall be approved by the department before its use and:

(i) shall be readable during daylight hours at a distance of fifty feet;

(ii) shall be sufficiently illuminated during hours of darkness so that the proprietary trademark or logo of the TNC is patently visible; and

(iii) may be magnetic or removable in nature.

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

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(c) No TNC service shall be required to provide its trade dress free of charge to TNC drivers, but shall make such trade dress available for purchase by the TNC or from a third party.

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