

STATE OF NEW YORK

342

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL, DINOWITZ, GOTTFRIED -- Multi-Sponsored by -- M. of A. GLICK -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to prohibiting the operation of horse drawn cabs in the city of New York; and repealing certain provisions of such law relating thereto

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

1 Section 1. The eighth, eleventh, and thirteenth undesignated paragraphs of section 17-326 of the administrative code of the city of New York, as amended by local law number 203 of the city of New York for the year 2019, are amended to read as follows:

2 Rental horse business. The term "rental horse business" means a business enterprise which provides or offers the use of a horse to the public for a fee for the purpose of riding [~~or drawing a horse drawn vehicle or which operates a horse drawn vehicle for hire such as a horse drawn cab~~].

3 Under tack. The term "under tack" means that a horse is equipped for riding [~~or driving~~].

4 Work. A horse is considered to be at "work" when it is out of its stable and presented to the public as being available for riding[~~, pulling carriages, vehicles or other devices,~~] or when it is saddled or in harness or when it is being ridden [~~or is pulling a carriage, vehicle or device~~].

5 § 2. The administrative code of the city of New York is amended by adding a new section 17-326.1 to read as follows:

6 § 17-326.1 Carriage rides prohibited. It shall be unlawful to offer rides to the public on a vehicle drawn or pulled by a carriage horse.

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

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1 § 3. Subdivisions a and d of section 17-327 of the administrative code
2 of the city of New York, subdivision d as amended by local law number 22
3 of the city of New York for the year 2002, are amended to read as
4 follows:

5 a. On and after January first, nineteen hundred eighty-two no person
6 shall use or offer the use of a horse in a rental horse business unless
7 such horse is licensed pursuant to the provisions of this subchapter.
8 For purposes of this subchapter the use of a horse in a rental horse
9 business means that a horse is used or offered for use by the public for
10 a fee for the purpose of riding [~~or drawing a horse drawn vehicle or is
11 used in the operation of a horse drawn vehicle for hire such as a horse
12 drawn cab~~].

13 d. Application for a license or the renewal of a license shall be made
14 to the department of health and mental hygiene. Such application shall
15 contain the name and address of the owner of the horse and of the owner
16 of the rental horse business in which such horse is to be used if such
17 person is not the owner of the horse, the age, sex, color, markings and
18 any other identifying marks such as brands or tattoos of the horse, the
19 location of the stable where the horse is to be kept and any other
20 information which the commissioner of health and mental hygiene may
21 require. [~~An application with respect to a horse which is used in the
22 operation of a "horse drawn cab" as defined in subchapter twenty one of
23 chapter two of title twenty of this code shall include the identifica-
24 tion number required to be inscribed on such horses hoof pursuant to the
25 rules and regulations of the department of consumer affairs.~~] The appli-
26 cation shall be accompanied by the license or renewal fee.

27 § 4. Section 17-329 of the administrative code of the city of New York
28 is amended to read as follows:

29 § 17-329 Disposition of licensed horse. a. The department shall be
30 notified of the transfer of ownership or other disposition of a licensed
31 horse within [~~ten~~] five days thereafter. Such notice shall include the
32 date of disposition and [~~if sold in New York city,~~] the name and address
33 of the buyer or other transferee and such other information as the
34 commissioner may prescribe.

35 b. A horse shall not be sold or disposed of except in a humane
36 manner[~~+~~], which, for the purposes of this subchapter shall mean one of
37 the following:

38 1. The owner shall sell or donate the horse to a private individual
39 who signs an assurance that the horse will not be sold and shall be kept
40 solely as a companion animal and not employed in another horse-drawn
41 carriage business or as a work horse and will be cared for humanely for
42 the remainder of the horse's natural life; or

43 2. The owner shall sell or donate the horse to a duly incorporated
44 animal sanctuary or duly incorporated animal protection organization
45 whose president or executive director signs an assurance that the horse
46 will not be sold and shall be kept solely as a companion animal and not
47 employed in another horse-drawn carriage business or as a work horse and
48 will be cared for humanely for the remainder of the horse's natural
49 life.

50 3. Records indicating the name, address and telephone number of the
51 private individual, duly incorporated animal sanctuary or duly incorpo-
52 rated animal protection organization to whom the horse was sold or
53 donated together with the assurance specified above shall be sent by the
54 owner to the department within five days after such sale or donation. A
55 copy of such record shall also be maintained at the stable.

1 § 5. Subdivisions g, h and l of section 17-330 of the administrative
2 code of the city of New York, subdivisions g and l as amended by local
3 law number 10 of the city of New York for the year 2010, and subdivision
4 h as added by local law number 2 of the city of New York for the year
5 1994, are amended to read as follows:

6 g. [~~1. Carriage horses shall not be at work for more than nine hours
7 in any continuous twenty-four hour period.~~] Riding horses shall not be
8 at work for more than eight hours in any continuous twenty-four hour
9 period. Rest periods for [~~carriage horses and~~] riding horses shall be of
10 such duration and at such intervals as the commissioner shall
11 prescribe[~~, but rest periods for carriage horses shall in no event be
12 for less than fifteen minutes after each two hour working period, and
13 the time of such rest period shall be included in calculating the number
14 of hours the horse has worked in any twenty-four hour period. During
15 such rest periods, the person in charge of such carriage horses shall
16 make fresh water available to the horse.~~

17 ~~2. Carriage horses shall receive no less than five weeks of vacation
18 or furlough every twelve months at a horse stable facility which allows
19 daily access to paddock or pasture turnout. Proof of such vacation or
20 furlough shall be provided upon request to the department and/or the
21 ASPCA].~~

22 h. [~~Carriage horses shall not be driven at a pace faster than a trot.~~]
23 Riding horses may be ridden at a canter but shall not be galloped.

24 l. An owner of a rental horse business shall keep such records as the
25 commissioner of health shall prescribe including but not limited to a
26 consecutive daily record of the movements of each licensed horse includ-
27 ing the [~~driver's name and identification number, if applicable,~~
28 rider's name, the horse's identification number, [~~vehicle license plate
29 number, if applicable,~~] time of leaving stable and time of return to
30 stable. An owner of a rental horse business shall also keep written
31 protocols for emergencies, including but not limited to primary and
32 secondary emergency contact information for each horse owner and insur-
33 ance company information, if applicable. Such records shall be kept on
34 the premises of the stable where the horses are kept and shall be avail-
35 able for inspection. The commissioner may, in his or her discretion,
36 require a time clock, date stamp or time stamp where such commissioner
37 believes it is appropriate.

38 § 6. Subdivisions o and p of section 17-330 of the administrative code
39 of the city of New York are REPEALED.

40 § 7. Paragraph 1 of subdivision a of section 17-331 of the administra-
41 tive code of the city of New York is amended to read as follows:

42 1. Two members shall be appointed from among the owners of rental
43 horse businesses operating within the city[~~, one of whom shall be repre-
44 sentative of the interests of owners of riding horses and one of whom
45 shall be representative of the interests of owners of carriage horses].~~

46 § 8. Subdivision a of section 17-334 of the administrative code of the
47 city of New York is REPEALED and subdivisions b and c are relettered
48 subdivisions a and b.

49 § 9. Section 17-334.1 of the administrative code of the city of New
50 York is REPEALED.

51 § 10. Sections 19-174 and 19-175 of the administrative code of the
52 city of New York are REPEALED.

53 § 11. Section 20-371 of the administrative code of the city of New
54 York, as amended by local law number 31 of the city of New York for the
55 year 1995, is amended to read as follows:

1 § 20-371 Licensing of sight-seeing buses[~~, horse drawn cabs and horse~~
2 ~~drawn cab drivers~~]. Legislative findings. The legislative findings here-
3 tofore made in relation to the business of sight-seeing buses [~~and horse~~
4 ~~drawn cabs~~] in the city of New York and set forth in local law number
5 ten of nineteen hundred sixty-four continue to be valid; such businesses
6 are vested with a public interest and their regulation and control
7 continue to be necessary and essential in order to cope with certain
8 evils and hazards which existed in the absence of governmental super-
9 vision. The supervision formerly was reposed in the police commissioner,
10 but recent experience and study indicate that jurisdiction over such
11 businesses should be transferred to the commissioner. [~~It is further~~
12 ~~found that the present number of horse drawn cabs licensed in the city~~
13 ~~of New York is adequate to meet the public need and demand and should be~~
14 ~~preserved, unless the commissioner finds that additional licenses are~~
15 ~~necessary and advisable.~~]

16 § 12. Subdivisions 1 and 3 of section 20-372 of the administrative
17 code of the city of New York, as amended by local law number 31 of the
18 city of New York for the year 1995, are amended to read as follows:

19 1. "Owner" shall include any person, firm, partnership, corporation or
20 association owning and operating a sight-seeing bus or buses, [~~or horse~~
21 ~~drawn cab or cabs,~~] and shall include a purchaser under a reserve title
22 contract, conditional sales agreement or vendor's agreement and the
23 lessee of such vehicle or vehicles under a written lease or similar
24 contract provided such purchaser or lessee of sight-seeing bus or buses
25 shall be entitled to obtain in his or her name a license or licenses
26 therefor from the commissioner of motor vehicles of the state of New
27 York.

28 3. "Inspection card" shall designate the card issued by the commis-
29 sioner for the sight-seeing bus licensed [~~or horse drawn cab licensed~~],
30 which card shall display the license number and capacity of such vehi-
31 cle.

32 § 13. Subdivisions 5, 6, 7 and 8 of section 20-372 of the administra-
33 tive code of the city of New York are REPEALED and subdivisions 9, 10
34 and 11 are renumbered subdivisions 5, 6 and 7.

35 § 14. Subdivisions a and b of section 20-373 of the administrative
36 code of the city of New York are amended to read as follows:

37 a. It shall be unlawful to operate or permit another to operate for
38 hire a sight-seeing bus [~~or horse drawn cab~~] within the city unless the
39 owner shall have first obtained a license therefor from the commission-
40 er. [~~An applicant for a horse drawn cab license shall be at least eigh-~~
41 ~~teen years of age.~~]

42 b. Fees. The original and renewal license fee for each sight-seeing
43 bus shall be fifty dollars [~~and for each horse drawn cab shall be fifty~~
44 ~~dollars~~].

45 § 15. Subdivisions c and d of section 20-373 of the administrative
46 code of the city of New York are REPEALED.

47 § 16. Subdivisions a and b of section 20-374 of the administrative
48 code of the city of New York are amended to read as follows:

49 a. Any person, firm, partnership, corporation or association, owning
50 or operating a sight-seeing bus, or buses[~~, or horse drawn cab, or cabs~~]
51 engaging in the business of transporting passengers in, about, over and
52 upon any of the streets, avenues, bridges, highways, boulevards or
53 public places within the limits of the city of New York, shall be issued
54 a license for each bus [~~or cab~~] so operating, provided, however any such
55 person, firm, partnership, corporation or association owning or operat-
56 ing a sight-seeing bus or buses, shall first have obtained a license or

1 licenses, as he or she shall be entitled to receive from the commission-
2 er of motor vehicles of the state of New York as made and provided by
3 law.

4 b. It shall be unlawful for a license, after being issued by the
5 commissioner, to be transferred to any person, firm, partnership, corpo-
6 ration or association for any cause whatsoever[, ~~except that licenses
7 for horse drawn cabs may be transferred with the approval of the commis-
8 sioner. Upon voluntary sale or transfer of a licensed horse drawn cab by
9 the holder of a license or his or her legal representative, the licensee
10 shall immediately notify the commissioner of his or her intention to
11 replace such horse drawn cab, or shall surrender his or her license. If
12 the license is surrendered, the vendee or transferee may make applica-
13 tion to the commissioner for the licensing of the horse drawn cab so
14 purchased. A new license shall then be issued by the commissioner in
15 place of the license so surrendered, provided the applicant has demon-
16 strated to the satisfaction of the commissioner that he or she is quali-
17 fied to assume the duties and obligations of a horse drawn cab license~~].

18 § 17. Subdivision c of section 20-374 of the administrative code of
19 the city of New York is REPEALED and subdivisions d and e are relettered
20 subdivisions c and d.

21 § 18. Section 20-375 of the administrative code of the city of New
22 York, as amended by local law number 2 of the city of New York for the
23 year 1994, is amended to read as follows:

24 § 20-375 License plate. Upon the payment of the license fee the
25 commissioner shall issue a license to the owner of the sightseeing bus
26 [~~or horse drawn cab~~] together with a license plate to be securely
27 affixed to a conspicuous and indispensable part of such sightseeing bus
28 [~~or securely and conspicuously affixed to the rear axle of such horse
29 drawn cab,~~] on which shall be clearly set forth the license number of
30 such sightseeing bus [~~or horse drawn cab~~]. The license plate issued to
31 the licensee may, in the discretion of the commissioner, be a plate of a
32 permanent nature with a replaceable date tag attached thereto, indicat-
33 ing the expiration date of the plate during each license year and the
34 issuance of such a plate with such date tag to a person possessing such
35 a plate, shall be deemed issuance of a license plate. Such license plate
36 and the replaceable date tag to be issued from year to year to be
37 attached thereto, shall be of such material, form, design and dimension
38 and set forth such distinguishing number or other identification marks
39 as the commissioner shall prescribe. The commissioner upon renewal of
40 the license hereunder, may continue the use of the license plate for as
41 many additional license years as he or she in his or her discretion may
42 determine, in which event he or she shall issue and deliver to the
43 licensee a replaceable date tag as evidence of renewal of the license,
44 which shall be attached or affixed in such manner as he or she may
45 prescribe by rule. The failure to affix or display such date tag in a
46 manner prescribed by the commissioner shall constitute a violation of
47 this section. In the event of the loss, mutilation or destruction of any
48 license plate or date tag issued hereunder, the owner may file such
49 statement and proof of facts as the commissioner shall require, with a
50 fee of twenty-five dollars, at the department, and the department shall
51 issue a duplicate or substitute license plate or date tag.

52 § 19. Sections 20-377 and 20-377.1 of the administrative code of the
53 city of New York are REPEALED.

54 § 20. Section 20-378 of the administrative code of the city of New
55 York is amended to read as follows:

1 § 20-378 Periodic inspection. The license department shall cause all
2 sight-seeing buses [~~and horse-drawn cabs~~] now, or hereafter licensed, to
3 be inspected at least once every four months. The date of such
4 inspection and the signature of the person making the inspection shall
5 be recorded upon the inspection card in the spaces provided therefor.

6 § 21. Section 20-379 of the administrative code of the city of New
7 York is amended to read as follows:

8 § 20-379 Form of inspection card. The commissioner shall prescribe an
9 appropriate form of inspection card for sight-seeing buses [~~and horse-~~
10 ~~drawn cabs~~] and the manner in which such card and the sight-seeing bus
11 driver's [~~and horse-drawn cab driver's~~] identification cards shall be
12 displayed.

13 § 22. Sections 20-380, 20-381, 20-381.1, 20-381.2 and 20-382 of the
14 administrative code of the city of New York are REPEALED.

15 § 23. Section 20-383 of the administrative code of the city of New
16 York, as amended by local law number 2 of the city of New York for the
17 year 1994, the section number and the section heading as amended by
18 local law number 41 of the city of New York for the year 2005 and subdi-
19 vision a as amended by local law number 175 of the city of New York for
20 the year 2018, is amended to read as follows:

21 § 20-383 Suspensions and revocations. [~~a.~~] After notice and opportu-
22 nity to be heard, the commissioner may suspend or revoke any sight-see-
23 ing bus license where the holder has failed to comply with any of the
24 provisions of this subchapter or of the rules promulgated thereunder, or
25 with any other laws or rules governing sight-seeing buses, or which
26 sight-seeing bus is otherwise found to be unfit for operation. Such
27 suspension shall remain in effect until compliance and fitness have been
28 established by the licensee and accepted by the department. Grounds for
29 suspension or revocation shall include, but not be limited to, revoca-
30 tion of one or more bus stop authorizations by the commissioner of
31 transportation pursuant to section 19-175.6 of this code, three or more
32 violations of paragraph 2 of subdivision [~~e~~] d of section 20-374 of this
33 subchapter within a two year period, installation of an engine which
34 does not meet the requirements of subdivision b of section 20-376 of
35 this subchapter, being found to have violated the requirements for
36 diesel fuel-powered sight-seeing buses contained in section 24-163.6 of
37 the administrative code, failure to submit a bus for inspection, instal-
38 lation of an engine not covered by a certificate of conformity in a
39 vehicle which was originally manufactured with such an engine and
40 installation of an engine of any model year preceding the year of manu-
41 facture in a vehicle which was originally manufactured with an engine
42 covered by a certificate of conformity. The commissioner shall, as soon
43 as practicable, notify the commissioner of transportation of each sight-
44 seeing bus license that is suspended or revoked.

45 [~~b. Any driver of a horse drawn cab found to have committed within any~~
46 ~~twelve month period, in the aggregate, at least three violations of this~~
47 ~~subchapter shall have his or her license suspended by the commissioner~~
48 ~~for a period of not less than three months. For purposes of this subdivi-~~
49 ~~sion, all violations written on any one day shall constitute a single~~
50 ~~violation.~~

51 [~~c. Notwithstanding the provisions of subdivision b of this section,~~
52 ~~any driver of a horse drawn cab found to have committed within any twen-~~
53 ~~ty-four month period, in the aggregate, at least five violations of this~~
54 ~~subchapter shall have his or her license suspended by the commissioner~~
55 ~~for six months. For purposes of this subdivision, all violations written~~
56 ~~on any one day shall constitute a single violation.~~

1 ~~d. Notwithstanding the provisions of subdivisions b and c of this~~
2 ~~section, any driver of a horse drawn cab found guilty of one violation~~
3 ~~of subdivision d of section 20-381.1 of the code or sections three~~
4 ~~hundred fifty-one, three hundred fifty-three, three hundred fifty-five~~
5 ~~through three hundred sixty-two or three hundred sixty-nine of the New~~
6 ~~York state agriculture and markets law or who is found guilty of a~~
7 ~~violation of this subchapter while his or her license is suspended,~~
8 ~~shall have his or her license revoked. A driver whose license has been~~
9 ~~revoked in accordance with this provision may not apply for a new~~
10 ~~license for five years from the date of revocation.]~~

11 § 24. This act shall take effect on the one hundred eightieth day
12 after it shall have become a law.