

STATE OF NEW YORK

4384

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. STECK, COOK, CRUZ, DeSTEFANO, DICKENS, HYNDMAN, SANTABARBARA, SEAWRIGHT, SIMON, STERN, WALSH -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to pre-arranged for-hire vehicle transportation services and the maximization of universal design and accessibility by persons with disabilities

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Accessible Livery Act".

3 § 2. The vehicle and traffic law is amended by adding a new section
4 1220-d to read as follows:

5 § 1220-d. Universal accessibility in for-hire vehicles. 1. For the
6 purposes of this section, the following terms shall have the following
7 meanings:

8 (a) "Pre-arranged for-hire vehicle" shall mean a motor vehicle,
9 designed to carry no more than nine passengers (excluding the driver),
10 that is used in the business of transporting passengers for compensation
11 on a pre-arranged basis, and operated in such business under a license
12 or permit issued by a licensing jurisdiction. The term "pre-arranged
13 for-hire vehicle" shall apply to vehicles as defined in this paragraph
14 regardless of any other provision of local law or rule defining or
15 describing such vehicles by any other terms such as livery, taxi, black
16 car, or luxury limousine.

17 (b) "Pre-arranged for-hire vehicle owner or operator" shall mean the
18 registered owner of a pre-arranged for-hire vehicle, or a duly licensed
19 driver designated by such registered owner or operator to operate the
20 registered owner's or operator's pre-arranged for-hire vehicle as the
21 registered owner's or operator's authorized designee.

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

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1 (c) "Universal design" or "universally designed" shall mean the design
2 of products and environments to be usable by all people, to the greatest
3 extent possible, without the need for adaptation or specialized design.

4 (d) "Accessible vehicle" shall mean a vehicle that:

5 (i) complies with the accessibility requirements of the Americans with
6 Disabilities Act of 1990, as amended, and the regulations promulgated
7 thereunder;

8 (ii) is equipped with a lift, ramp or any other device, arrangement or
9 alteration, so it is capable of transporting individuals who use wheel-
10 chairs, scooters, or other mobility aids while they remain seated in
11 their wheelchairs, scooters, or other mobility aids;

12 (iii) is equipped with an assistive listening system for persons with
13 hearing impairments that is connected with any intercom, video or audio
14 system, when such a system is installed;

15 (iv) is equipped with standardized signs printed in:(A) braille; and
16 (B) large-print text so that such signs are visible to persons with low
17 vision;

18 (v) provides sufficient floor space to accommodate a service animal;
19 and

20 (vi) if powered by a hybrid-electric motor, is equipped with an appro-
21 priate device to enable persons who are blind to hear the approach of
22 the vehicle as readily as they can hear a conventional gasoline-powered
23 vehicle.

24 2. (a) Every pre-arranged for-hire vehicle owner or operator with not
25 more than ten for-hire vehicles shall:

26 (i) purchase or lease at least one universally designed and accessible
27 vehicle upon its next acquisition of a vehicle after the fifth year from
28 the effective date of the chapter of the laws of two thousand twenty-
29 three that added this section; and

30 (ii) ensure that when advertising their services subsequent to such
31 purchase, the availability of universally designed and accessible vehi-
32 cles is also advertised.

33 (b) Every pre-arranged for-hire vehicle owner or operator with not
34 less than eleven or more than one hundred for-hire vehicles shall:

35 (i) purchase or lease universally designed and accessible vehicles
36 when acquiring vehicles until not less than twenty percent of the fleet
37 is universally designed and accessible. In no event shall such fleet
38 have less than twenty percent universally designed and accessible vehi-
39 cles five years after the effective date of the chapter of the laws of
40 two thousand twenty-three that added this section; and

41 (ii) ensure that when advertising their services subsequent to such
42 purchase that the availability of universally designed and accessible
43 vehicles is also advertised.

44 (c) Every pre-arranged for-hire vehicle owner or operator provider
45 with not less than one hundred for-hire vehicles shall:

46 (i) purchase or lease universally designed and accessible vehicles
47 when acquiring vehicles until not less than twenty-five percent of the
48 fleet is universally designed or accessible. In no event shall their
49 fleet have less than twenty-five percent universally designed and acces-
50 sible vehicles three years after the effective date of the chapter of
51 the laws of two thousand twenty-three that added this section;

52 (ii) increase their percentage of universally designed and accessible
53 vehicles to a minimum of fifty percent of the fleet within five years of
54 the effective date of the chapter of the laws of two thousand twenty-one
55 that added this section; and

1 (iii) ensure that when advertising their services subsequent to such
2 purchase that the availability of universally designed and accessible
3 vehicles is also advertised.

4 (d) All pre-arranged for-hire vehicle owners and operators shall main-
5 tain the percentages of universally designed and accessible vehicles in
6 their service which, according to their size at any given time, they
7 would have been required to purchase by the specified deadlines under
8 subparagraphs (a), (b) and (c) of this subdivision.

9 3. Failure to comply with the provisions of subdivision two of this
10 section shall constitute a violation punishable by a fine of not less
11 than fifty dollars and not more than one hundred fifty dollars per day
12 from the date a violation occurred until the date such violation is
13 cured. A violation may also be grounds for revocation or denial of
14 licensing or registration, or renewal thereof, under section four
15 hundred one of this chapter. The local and state authorities charged
16 with issuing permits, licenses and registration of pre-arranged for-hire
17 vehicles and shuttle services shall require proof prior to issuance of
18 such permit, license or registration, or renewal thereof, of compliance
19 with the provisions of this section.

20 § 3. This act shall take effect one year after it shall have become a
21 law.