

# STATE OF NEW YORK

5922

2023-2024 Regular Sessions

## IN ASSEMBLY

March 24, 2023

Introduced by M. of A. WEPRIN -- 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 energy efficiency, 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 "Energy Efficiency 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 and energy efficiency in for-hire  
6 vehicles. 1. For the purposes of this section, the following terms shall  
7 have the following 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) "Energy efficient vehicle" shall mean vehicles that are petrole-  
5 um-alternative vehicles using petroleum-alternative fuels; hybrid elec-  
6 tric vehicles; or conventional gasoline vehicles achieving an average  
7 fuel economy of at least thirty-five miles per gallon.

8 (e) "Accessible vehicle" shall mean a vehicle that:

9 (i) complies with the accessibility requirements of the Americans with  
10 Disabilities Act of 1990, as amended, and the regulations promulgated  
11 thereunder;

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

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

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

22 (v) provides sufficient floor space to accommodate a service animal;  
23 and

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

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

30 (i) purchase or lease at least one energy efficient, universally  
31 designed and accessible vehicle upon its next acquisition of a vehicle  
32 after the fifth year from the effective date of the chapter of the laws  
33 of two thousand twenty-three that added this section; and

34 (ii) ensure that when advertising their services subsequent to such  
35 purchase, the availability of energy efficient, universally designed and  
36 accessible vehicles is also advertised.

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

39 (i) purchase or lease energy efficient, universally designed and  
40 accessible vehicles when acquiring vehicles until not less than twenty  
41 percent of the fleet is energy efficient, universally designed and  
42 accessible. In no event shall such fleet have less than twenty percent  
43 energy efficient, universally designed and accessible vehicles five  
44 years after the effective date of the chapter of the laws of two thou-  
45 sand twenty-three that added this section; and

46 (ii) ensure that when advertising their services subsequent to such  
47 purchase that the availability of energy efficient, universally designed  
48 and accessible vehicles is also advertised.

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

51 (i) purchase or lease energy efficient, universally designed and  
52 accessible vehicles when acquiring vehicles until not less than twenty-  
53 five percent of the fleet is energy efficient, universally designed or  
54 accessible. In no event shall their fleet have less than twenty-five  
55 percent energy efficient, universally designed and accessible vehicles

1 three years after the effective date of the chapter of the laws of two  
2 thousand twenty-three that added this section;

3 (ii) increase their percentage of energy efficient, universally  
4 designed and accessible vehicles to a minimum of fifty percent of the  
5 fleet within five years to the effective date of the chapter of the laws  
6 of two thousand twenty-three that added this section; and

7 (iii) ensure that when advertising their services subsequent to such  
8 purchase that the availability of energy efficient, universally designed  
9 and accessible vehicles is also advertised.

10 (d) All pre-arranged for-hire vehicle owners and operators shall main-  
11 tain the percentages of energy efficient, universally designed and  
12 accessible vehicles in their service which, according to their size at  
13 any given time, they would have been required to purchase by the speci-  
14 fied deadlines under subparagraphs (a), (b) and (c) of this subdivision.

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

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