§ 60.07 Authorized disposition; criminal attack on operators of for-hire vehicles.

1. Notwithstanding any other provision of law to the contrary, when a court has found, pursuant to the provisions of section 200.61 of the criminal procedure law, both that a person has been convicted of a specified offense as defined in subdivision two of this section and the victim of such offense was operating a for-hire vehicle in the course of providing for-hire vehicle services at the time of the commission of such offense, the sentence of imprisonment imposed upon conviction for such offense shall be the sentence authorized by the applicable provisions of article seventy of this chapter, provided, however, that the minimum term of an indeterminate sentence or minimum determinate sentence shall be not less than three years nor more than five years greater than the minimum term or sentence otherwise required to be imposed pursuant to such provisions. The provisions of this subdivision shall not apply where the court, having regard to the nature and circumstances of the crime and the history and character of the defendant, finds on the record that such additional term or sentence would be unduly harsh and that not imposing such additional term or sentence would be consistent with the public safety and would not deprecate the seriousness of the crime.

2. For purposes of this section:

(a) the term "specified offense" shall mean an attempt to commit murder in the second degree as defined in section 125.25 of this chapter, gang assault in the first degree as defined in section 120.07 of this chapter, gang assault in the second degree as defined in section 120.06 of this chapter, assault in the first degree as defined in section 120.10 of this chapter, manslaughter in the first degree as defined in section 125.20 of this chapter, manslaughter in the second degree as defined in section 125.15 of this chapter, robbery in the first degree as defined in section 160.15 of this chapter, robbery in the second degree as defined in section 160.10 of this chapter, or the attempted commission of any of the following offenses: gang assault in the first degree as defined in section 120.07, assault in the first degree as defined in section 120.10, manslaughter in the first degree as

defined in section 125.20 or robbery in the first degree as defined in section 160.15;

(b) the term "for-hire vehicle" shall mean a vehicle designed to carry not more than five passengers for compensation and such vehicle is a taxicab, as defined in section one hundred forty-eight-a of the vehicle and traffic law, a livery, as such term is defined in section one hundred twenty-one-e of the vehicle and traffic law, or a "black car", as such term is defined in paragraph (g) of this subdivision;

(c) the term "livery car base" shall mean a central facility, wherever located, that dispatches a livery operator to both pick-up and discharge passengers in the state;

(d) "for-hire vehicle services" shall mean:

(i) with respect to a taxicab, the transport of passengers pursuant to a license or permit issued by a local authority by a person duly authorized to operate such taxicab;

(ii) with respect to a livery, the transport of passengers by a livery operator while affiliated with a livery car base; or

(iii) with respect to a "black car", the transport of passengers by a "black car operator" pursuant to dispatches from or by a central dispatch facility regardless of where the pick-up and discharge occurs, and, with respect to dispatches from or by a central dispatch facility located outside the state, all dispatches involving a pick-up in the state, regardless of where the discharge occurs.

(e) "livery operator" shall mean the registered owner of a livery, as such term is defined in section one hundred twenty-one-e of the vehicle and traffic law, or a driver designated by such registered owner to operate the registered owner's livery as the registered owner's authorized designee, where such registered owner or driver provides services while affiliated with a livery car base;

(f) "black car operator" shall mean the registered owner of a "black car" or a driver designated by such registered owner to operate the registered owner's black car as the registered owner's authorized designee; and

(g) "black car" shall mean a for-hire vehicle dispatched from a central facility, which has certified to the satisfaction of the department of state pursuant to article six-F of the executive law that more than ninety percent of the central facility's for-hire business is

on a payment basis other than direct cash payment by a passenger.