

6118--A

Cal. No. 78

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sens. GOLDEN, ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend chapter 602 of the laws of 2011 relating to livery permits in the city of New York, in relation to authorizing New York city to issue up to two thousand new taxicab licenses to vehicles that are accessible to individuals with disabilities, authorizing New York City to issue eighteen thousand hail vehicle licenses and authorizing up to four hundred fifty hail base permits to for-hire base stations; and to amend the tax law, the administrative code of the city of New York and the vehicle and traffic law, in relation to taxicabs and HAIL licenses in New York city; and to repeal certain sections of chapter 602 of the laws of 2011 relating to livery permits in the city of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings. The legislature finds and declares  
 2 that the public health, safety and welfare of the residents of the state  
 3 of New York traveling to, from and within the city of New York is a  
 4 matter of substantial state concern, including access to safe and reli-  
 5 able mass transportation such as taxicabs. The majority of residents and  
 6 non-residents of the city of New York do not currently have sufficient  
 7 access to legal, licensed taxicabs available for street hails in the  
 8 city of New York. Additionally, the legislature finds and declares that  
 9 it is a matter of public health, safety and welfare to ensure adequate  
 10 and reliable transportation accessible to individuals with disabilities  
 11 in the city of New York. Currently, approximately 1.8 percent of the  
 12 city's approximately thirteen thousand yellow taxicabs is accessible to  
 13 individuals with disabilities, and an even smaller percentage of the  
 14 city's approximately twenty-three thousand livery vehicles is accessi-  
 15 ble. This supply of accessible vehicles is insufficient to provide

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

LBD12108-11-2

S. 6118--A

2

1 adequate and reliable transportation for the residents of and the commu-  
 2 ters and visitors to New York city who have disabilities and therefore  
 3 inhibits their basic daily activities. This lack of accessible vehicles  
 4 also prevents individuals with disabilities from being able to rely on  
 5 the street hail system to get to a destination quickly, particularly in  
 6 an emergency, or to travel to a location not near a subway or bus stop.  
 7 Improving access to mass transportation, including taxicabs, for the  
 8 residents of and the commuters and visitors to New York city furthers  
 9 these matters of substantial state concern.

10 S 2. Sections 2, 3 and 5 of chapter 602 of the laws of 2011 relating  
 11 to livery permits in the city of New York are REPEALED.

12 S 3. Sections 4 and 6 of chapter 602 of the laws of 2011 relating to  
 13 livery permits in the city of New York, are amended to read as follows:

14 S 4. HAIL BASE PERMIT ISSUANCE. The New York city taxi and limousine  
 15 commission OR SUCCESSOR AGENCY is hereby authorized to issue non-trans-  
 16 ferable permits to for-hire vehicle base stations established pursuant  
 17 to section 19-511 of the administrative code of the city of New York,  
 18 allowing such base stations to be affiliated with holders of [permits]  
 19 LICENSES issued pursuant to section [three] FIVE of [this act] THE CHAP-  
 20 TER OF THE LAWS OF 2012 WHICH AMENDED THIS SECTION ("hail [privilege]  
 21 base permit"), provided that no more than four hundred fifty permits  
 22 shall be held at one time. Every holder of a hail [privilege] vehicle  
 23 [permit] LICENSE issued pursuant to section [three of this act] FIVE OF  
 24 THE CHAPTER OF THE LAWS OF 2012 WHICH AMENDED THIS SECTION shall be  
 25 affiliated with one such base station. Hail [privilege] base permits

26 shall be issued to base stations pursuant to this section for a fee in  
27 the amount of three thousand dollars, and shall be valid for three years  
28 prior to renewal. [Such] THE right to renewal shall be automatic, upon  
29 payment of a renewal fee, if the base station is in good standing. Such  
30 RENEWAL fee amount may be increased by such taxi and limousine commis-  
31 sion or successor agency to account for changes in the [United States]  
32 NEW YORK - NORTHERN NEW JERSEY - LONG ISLAND consumer price index,  
33 adjusted for inflation. The initial [sale] ISSUANCE of such hail [privi-  
34 lege] base permits will be limited to existing for-hire vehicle base  
35 stations established pursuant to section 19-511 of the administrative  
36 code of the city of New York, that have been in operation for at least  
37 three years AND ARE IN GOOD STANDING WITH SUCH TAXI AND LIMOUSINE  
38 COMMISSION OR SUCCESSOR AGENCY. Such hail [privilege] base permits shall  
39 be issued beginning no later than the public sale of the additional  
40 taxicab [medallions] LICENSES issued pursuant to section [two of this  
41 act] EIGHT OF THE CHAPTER OF THE LAWS OF 2012 WHICH AMENDED THIS  
42 SECTION. The city of New York, acting through such taxi and limousine  
43 commission OR SUCCESSOR AGENCY, is hereby authorized and empowered to  
44 take such actions as are necessary and desirable to implement the  
45 provisions of this section, subject only to the procedures and limita-  
46 tions set forth in this section, and shall not be required to engage in  
47 any review provided for by any provision of law or make or obtain any  
48 determination not expressly required by this section.  
49 S 6. This act shall take effect immediately. THIS ACT SHALL BE  
50 CONSTRUED AS A WHOLE, AND ALL PARTS OF IT ARE TO BE READ AND CONSTRUED  
51 TOGETHER. IF ANY PART OF THIS ACT OR ANY AMENDMENTS MADE THERETO BY THE  
52 CHAPTER OF THE LAWS OF 2012 WHICH AMENDED THIS SECTION SHALL BE ADJUDGED  
53 BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, THE REMAINDER OF  
54 THIS ACT SHALL BE INVALIDATED AND SHALL BE DEEMED TO HAVE NOT TAKEN  
55 EFFECT, PROVIDED HOWEVER THAT THE VALIDITY OF ANY TAXICAB LICENSE ISSUED  
56 BEFORE THE DATE THAT THIS ACT IS DECLARED INVALID SHALL NOT BE AFFECTED.  
S. 6118--A 3

1 S 4. Definitions. Notwithstanding any other law to the contrary, as  
2 used in this act, the term:

3 (a) "Accessible vehicle" means a for-hire vehicle that is designed for  
4 the purpose of transporting persons in wheelchairs or contains a phys-  
5 ical device or alteration designed to permit access to and enable the  
6 transportation of persons in wheelchairs in accordance with the Ameri-  
7 cans with Disabilities Act.

8 (b) "Hail Accessible Inter-borough license" or "HAIL license" means a  
9 license issued by the New York city taxi and limousine commission that  
10 authorizes a designated vehicle to pick up passengers by street hail  
11 outside of the HAIL exclusionary zone. Provided, however, that a HAIL  
12 vehicle shall be permitted to accept passengers by prearranged call at  
13 airports and outside the HAIL exclusionary zone.

14 (c) "HAIL exclusionary zone" means airports in the city of New York in  
15 which a HAIL vehicle is prohibited from pick-up of passengers by street  
16 hail and that area of the city of New York in Manhattan south of east  
17 ninety-sixth street and south of west one hundred tenth street in which  
18 a HAIL vehicle is prohibited from pick-up of passengers by street hail  
19 or pre-arranged call and in such other areas as the TLC shall by rule  
20 prohibit HAIL vehicles from accepting passengers by street hail consist-  
21 ent with this act. Provided, however, that a HAIL vehicle shall be  
22 permitted to accept passengers by prearranged call at airports and  
23 outside the HAIL exclusionary zone.

24 (d) "For-hire vehicle" means a motor vehicle carrying passengers for-  
25 hire in the city, with a seating capacity of twenty passengers or less,  
26 not including the driver, other than a taxicab, coach, commuter van or  
27 an authorized bus operating pursuant to applicable provisions of law.  
28 For the purpose of this subdivision, "seating capacity" shall include  
29 any plain view location which is capable of accommodating a normal adult  
30 as part of an overall seat configuration and design and is likely to be  
31 used as a seating position while the vehicle is in motion.

32 (e) "For-hire driver" means a driver licensed pursuant to paragraph  
33 (iii) of subdivision a of section 19-505 of the administrative code of  
34 the city of New York.

35 (f) "HAIL vehicle" means a for-hire vehicle having a taximeter and a  
36 TLC-sanctioned trip record system and subject to a HAIL license.

37 (g) "TLC" means the New York city taxi and limousine commission or a  
38 successor agency.

39 S 5. HAIL license issuance. (a) The TLC is hereby authorized to issue  
40 hail accessible inter-borough licenses. No more than eighteen thousand  
41 HAIL licenses shall be issued.

42 (b) Six thousand of such HAIL licenses shall be issued within twelve  
43 months from the date on which the first HAIL license is issued ("first  
44 issuance"). Any of the six thousand licenses authorized for such issu-  
45 ance not issued within the first twelve months shall be authorized for  
46 issuance in the second issuance in addition to those authorized in the  
47 second issuance, as defined in this subdivision. Twenty percent of the  
48 HAIL licenses issued in the first issuance will be restricted to acces-

49 sible vehicles, and for every block of one thousand HAIL licenses  
50 issued, the twenty percent requirement must be met prior to the issuance  
51 of any additional HAIL licenses. The TLC will study and report on the  
52 accessibility of vehicles with HAIL licenses in the Disabled Accessibil-  
53 ity Plan and may recommend that a different percentage of HAIL licenses  
54 be restricted to accessible vehicles for the remaining twelve thousand  
55 HAIL licenses. Without such approved modification, twenty percent of the  
56 remaining twelve thousand licenses will be restricted to accessible  
S. 6118--A 4

1 vehicles, and for every block of one thousand HAIL licenses issued, the  
2 twenty percent requirement must be met prior to the issuance of any  
3 additional HAIL licenses. Twelve months after the first issuance, the  
4 TLC may issue up to six thousand additional HAIL licenses (the "second  
5 issuance"). One year after the second issuance, the TLC may issue up to  
6 six thousand additional HAIL licenses ("third issuance"). Any of the  
7 HAIL licenses authorized for issuance during the first and second issu-  
8 ances not issued within the first twenty-four months shall be authorized  
9 for issuance in addition to those authorized in the third issuance. The  
10 TLC may reissue pursuant to this act a HAIL license that is revoked or  
11 has otherwise reverted to the TLC. Within the first three years of the  
12 first issuance, HAIL licenses may be issued only to owners of for-hire  
13 vehicles or for-hire drivers who have been licensed by the TLC for at  
14 least one year and are in good standing with the TLC; provided that  
15 three months after the first issuance any remaining HAIL licenses in the  
16 first issuance restricted to accessible vehicles authorized for issuance  
17 may be issued without regard to such restrictions in a manner to be  
18 determined by the TLC.

19 (c) An individual or entity may only own one HAIL license except that  
20 an individual or entity may own not more than five HAIL licenses  
21 restricted to accessible vehicles. A HAIL license not restricted to  
22 accessible vehicles may not be transferred or issued to an individual or  
23 entity if such individual or entity has a fiduciary relationship with,  
24 an ownership interest in or is otherwise a member of any other entity,  
25 including without limitation a corporation, partnership, limited liabil-  
26 ity corporation, limited liability partnership, joint venture or associ-  
27 ation that owns a HAIL license issued or transferred pursuant to this  
28 section and section seven of this act. A HAIL license restricted to  
29 accessible vehicles may not be transferred or issued to an individual or  
30 entity if such individual or entity has a fiduciary relationship with,  
31 an ownership interest in or is otherwise a member of any other entity or  
32 combination of entities, including without limitation a corporation,  
33 partnership, limited liability corporation, limited liability partner-  
34 ship, joint venture or association that in the aggregate owns five HAIL  
35 licenses restricted to accessible vehicles issued or transferred pursu-  
36 ant to this section and section seven of this act.

37 (d) HAIL licenses shall be issued for a fee in the amount of one thou-  
38 sand five hundred dollars in the first issuance, three thousand dollars  
39 in the second issuance and four thousand five hundred dollars in the  
40 third issuance. A HAIL license shall be valid for three years prior to  
41 renewal. The right to renewal shall be automatic, upon payment of a  
42 renewal fee in an amount to be specified by the TLC, if the owner is in  
43 good standing.

44 (e) The TLC may designate additional areas outside of Manhattan to be  
45 included in the HAIL exclusionary zone, based upon the HAIL market anal-  
46 ysis pursuant to section six of this act.

47 (f) Nothing in this section shall prohibit an owner of a for-hire  
48 vehicle that is not a HAIL vehicle from accepting prearranged calls from  
49 a for-hire vehicle base station established pursuant to section 19-511  
50 of the administrative code of the city of New York from picking up  
51 passengers by pre-arranged call inside the HAIL exclusionary zone,  
52 provided that such owner is licensed to do so. Nothing in this section  
53 shall prohibit the owner of a HAIL vehicle from accepting a pre-arranged  
54 call from a for-hire base outside the HAIL exclusionary zone and at  
55 airports.

S. 6118--A

5

1 (g) Nothing in this section shall prohibit an owner of a for-hire  
2 vehicle who possesses a HAIL license from allowing a driver who meets  
3 the TLC's designated standards to operate the vehicle and exercise the  
4 privileges of the HAIL license. The TLC may by rule govern the equipment  
5 of such vehicles, including but not limited to meters that calculate the  
6 fares that may be charged for trips in such vehicles. The TLC may by  
7 rule provide for the licensing of businesses which manufacture and  
8 provide such equipment to the owners of HAIL vehicles and adopt penal-  
9 ties for drivers who charge fares in excess of the approved rate of fare  
10 or refuse to take passengers to any destination within the city of New  
11 York provided that rules promulgated for the purposes of licensing shall  
12 comply with chapter 45 of the charter of the city of New York and  
13 provided further that the TLC shall, before revoking or suspending any  
14 such license, provide such licensee notice and an opportunity for an

15 adjudication pursuant to section 1046 of the charter of the city of New  
16 York.

17 (h) The city of New York, acting through the TLC, is hereby authorized  
18 and empowered to take such actions as are necessary and desirable to  
19 implement the provisions of this section and section nine of this act,  
20 subject only to the procedures and limitations set forth in this act,  
21 and shall not be required to engage in any review provided for by any  
22 provision of law or make or obtain any determination not expressly  
23 required by this act.

24 S 6. HAIL market analysis. Prior to the second issuance and third  
25 issuance, the TLC shall prepare and submit (i) to the council of the  
26 city of New York for its comments, (ii) for public comment, and (iii) to  
27 the New York state department of transportation for its comments, a HAIL  
28 market analysis examining HAIL vehicle rider demand, shortages, and the  
29 need for adequate and affordable transportation, including an analysis  
30 of (a) the need for additional HAIL licenses to meet rider demand, (b)  
31 the adequacy of enforcement provisions governing HAIL licenses, (c) the  
32 adequacy of the HAIL exclusionary zone, (d) the state of the market for  
33 issuance or other transfer of such licenses, (e) the impact of such new  
34 licensing on for-hire vehicle license owners, taxicab license owners and  
35 other industry participants that have not obtained such license, (f) the  
36 impact of additional license issuance on traffic safety and street  
37 congestion within the city of New York, (g) the need for related statu-  
38 tory or regulatory changes, (h) actions by the TLC on: (i) the promul-  
39 gation of rules and regulations governing HAIL vehicles and the enforce-  
40 ment of existing laws, rules and regulations governing for-hire  
41 vehicles, taxicabs, HAIL vehicles and vehicles that operate without a  
42 valid license issued by the TLC, (ii) the allocation of resources for  
43 enforcement and (iii) deterring and punishing individuals who repeatedly  
44 violate such laws, rules and regulations; and (i) implementation of the  
45 HAIL license system and its integration into the New York city transit  
46 system.

47 S 7. Transfer of the HAIL licenses. Subject to subdivision (c) of  
48 section five of this act, each HAIL license issued by the TLC shall be  
49 transferable to owners of for-hire vehicles licensed by the TLC or a  
50 for-hire driver in good standing with the TLC.

51 S 8. Accessible taxicab license issuance. The city of New York may,  
52 acting by the mayor alone, administratively authorize the TLC or its  
53 successor agency to issue up to two thousand taxicab licenses in addi-  
54 tion to those already issued, provided, however, that such taxicab  
55 licenses shall be restricted to vehicles designated for the purpose of  
56 transporting persons in wheelchairs or containing a physical device or  
S. 6118--A 6

1 alteration designed to permit access to and enable the transportation of  
2 persons in wheelchairs in accordance with the Americans with Disabili-  
3 ties Act, provided further that such additional licenses shall be issued  
4 by public sale and shall be fully transferable and provided further that  
5 no more than four hundred of the taxicab licenses authorized to be  
6 issued pursuant to this act may be issued until the Disabled Accessibil-  
7 ity Plan is approved by the New York state department of transportation.  
8 The TLC shall prescribe by regulation the procedures for the issuance  
9 and public sale of such additional licenses, by public auction, sealed  
10 bids or other competitive process. The authorization provided in this  
11 section is conditioned upon the TLC making available for issuance the  
12 licenses and permits authorized pursuant to section five of this act and  
13 section 4 of chapter 602 of the laws of 2011 relating to livery permits  
14 in the city of New York.

15 S 9. Promoting accessibility. (a) The TLC shall establish a program to  
16 support the introduction of accessible vehicles into the HAIL vehicle  
17 fleet by: (i) providing grants to purchasers of HAIL licenses  
18 restricted to accessible vehicles as provided in subdivision (b) of this  
19 section; or (ii) providing vehicles to purchasers of the HAIL licenses  
20 restricted to accessible vehicles on affordable and financially feasible  
21 terms.

22 (b) Purchasers of hail licenses restricted to accessible vehicles  
23 issued pursuant to this act shall be eligible to apply for grants in an  
24 amount up to fifteen thousand dollars, which shall be applied towards  
25 the costs of: (i) purchasing an accessible vehicle for use as a HAIL  
26 vehicle; or (ii) retrofitting a vehicle to be an accessible vehicle for  
27 use as a HAIL vehicle. The total amount of such grants shall not exceed  
28 fifty-four million dollars.

29 (c) The TLC may increase the amount of each grant by an amount it  
30 deems necessary to encourage the availability of accessible vehicles.

31 (d) The TLC shall administer the program established pursuant to this  
32 section and shall establish rules and regulations necessary to implement  
33 the provisions of this section.

34 (e) All accessible vehicles shall be inspected at an inspection facil-  
35 ity operated by the TLC not less than once every eight months, in  
36 accordance with a procedure to be established by the TLC to ensure that  
37 such vehicles are accessible vehicles. If any such vehicle fails to pass

38 its inspection for any reason relating to such standards, it shall be  
39 reinspected. The TLC or any other agency authorized by law may conduct  
40 on-street inspections of vehicles licensed pursuant to the provisions of  
41 this act. The date of the inspection of such vehicle and the signature  
42 of the persons making the inspection shall be recorded upon a certifi-  
43 cate to be posted in each such vehicle. An owner shall be ordered by  
44 the TLC to repair or replace his or her vehicle where it appears that it  
45 is no longer an accessible vehicle. Upon failure of such owner to have  
46 his or her vehicle inspected or to comply with any such order within ten  
47 days after service thereof, the license shall be suspended; upon failure  
48 of such owner to comply with any such order within one hundred twenty  
49 days after service thereof, the license may, at the discretion of the  
50 TLC, be deemed to have been abandoned by non-use.

51 S 10. Disabled accessibility plan. Not later than one year after the  
52 initial issuance of HAIL vehicle licenses, the TLC shall prepare and  
53 submit to the New York state department of transportation a comprehen-  
54 sive plan (the "disabled accessibility plan") that:

55 (a) sets forth an accessibility plan that (i) will lead to meaningful  
56 accessibility over a period of years for individuals with disabilities  
S. 6118--A 7

1 to all taxicabs, for-hire vehicles and HAIL vehicles through a gradual  
2 phase-in of accessible vehicles to the taxicab, for-hire vehicle and  
3 HAIL vehicle transport system, (ii) makes accessible vehicles available  
4 based on need within geographic areas of the city of New York by for-  
5 hire vehicle base stations established pursuant to section 19-511 of the  
6 administrative code of the city of New York and provides the method to  
7 be used by the TLC to calculate such need and monitor availability and  
8 (iii) may include alternate means of increasing marketability and  
9 adequacy of incentives to purchase accessible licenses so that accessi-  
10 bility requirements can be achieved;

11 (b) The disabled accessibility plan either shall contain a recommenda-  
12 tion for the percentage of HAIL licenses issued in the second and third  
13 issuances to be restricted to accessible vehicles, or if no recommenda-  
14 tion is made, the required percentage of HAIL licenses restricted to  
15 accessible vehicles set for the first issuance shall remain in effect  
16 for the second and third issuances, and the TLC shall continue to  
17 require that for every block of one thousand HAIL licenses issued, the  
18 twenty percent requirement provided in subdivision (b) of section five  
19 of this act must be met prior to the issuance of any additional HAIL  
20 licenses.

21 (c) The disabled accessibility plan shall be prepared in consultation  
22 and cooperation with disability rights advocates and other stakeholders  
23 and shall be submitted to the council of the city of New York for its  
24 comments, which comments shall be considered by the TLC prior to its  
25 submission to the New York state department of transportation. The New  
26 York state department of transportation may recommend changes or amend-  
27 ments to the TLC as a condition of its approval and must approve or  
28 reject the disabled accessibility plan within sixty days of submission  
29 by the TLC. The city of New York, acting through the TLC, and the New  
30 York state department of transportation are hereby authorized and  
31 empowered to take such actions as are necessary and desirable to imple-  
32 ment the provisions of this section, subject only to the procedures and  
33 limitations set forth in this section, and shall not be required to  
34 engage in any review provided for by any provision of law or make or  
35 obtain any determination not expressly required by this act.

36 (d) The TLC shall not be permitted to issue more than four hundred of  
37 the taxicab licenses authorized to be issued pursuant to this act until  
38 this plan is approved by the New York state department of transporta-  
39 tion. Upon such approval by such department, the issuance by the TLC of  
40 more than four hundred taxicab licenses pursuant to this act shall not  
41 be affected by the pendency, the final determination or other outcome of  
42 any action or proceeding to which the New York state department of  
43 transportation or its commissioner is a party that seeks to challenge or  
44 invalidate the approved disabled accessibility plan or any portion ther-  
45 eof.

46 S 11. Notwithstanding any of the foregoing it shall remain the exclu-  
47 sive right of existing and future taxicabs licensed by the TLC as a  
48 taxicab to pick up passengers via street hail in such areas of the city  
49 of New York wherein HAIL license holders are prohibited from accepting  
50 such passengers. All vehicles licensed by the TLC as taxicabs shall be  
51 permitted to pick up passengers via street hail from any location within  
52 the city of New York unless the pick-up of passengers is prohibited by  
53 law. No driver of any for-hire vehicle shall accept a passenger within  
54 the city of New York by means other than pre-arrangement with a base  
55 unless said driver is operating either a (i) taxicab licensed by the TLC  
56 with a medallion affixed thereto, or (ii) a vehicle with a valid HAIL  
S. 6118--A 8

1 license and said passenger is hailing the vehicle from a location where  
2 street hails of such vehicles are permitted.

3 S 12. Section 1280 of the tax law is amended by adding seven new  
4 subdivisions (o), (p), (q), (r), (s), (t) and (u) to read as follows:

5 (O) "HAIL VEHICLE" MEANS A FOR-HIRE VEHICLE HAVING A TAXIMETER AND A  
6 TLC-SANCTIONED TRIP RECORD SYSTEM, LICENSED BY THE TLC TO CARRY PASSEN-  
7 GERS FOR HIRE AND AUTHORIZED TO ACCEPT HAILS FROM PROSPECTIVE PASSENGERS  
8 IN THE STREETS OF THE CITY, PROVIDED THAT SUCH AUTHORIZATION SHALL  
9 PROHIBIT THE PICK-UP OF PASSENGERS BY STREET HAIL AT AIRPORTS AND BY  
10 STREET HAIL OR PRE-ARRANGED CALL IN MANHATTAN SOUTH OF EAST NINETY-SIXTH  
11 STREET AND SOUTH OF WEST ONE HUNDRED TENTH STREET, OR IN SUCH AREA AS  
12 THE TLC SHALL BY RULE PROHIBIT PURSUANT TO THE CHAPTER OF THE LAWS OF  
13 TWO THOUSAND TWELVE WHICH ADDED THIS SUBDIVISION.

14 (P) "FOR-HIRE VEHICLE" MEANS A MOTOR VEHICLE CARRYING PASSENGERS FOR  
15 HIRE IN THE CITY, WITH A SEATING CAPACITY OF TWENTY PASSENGERS OR LESS,  
16 NOT INCLUDING THE DRIVER, OTHER THAN A TAXICAB, COACH, COMMUTER VAN OR  
17 AN AUTHORIZED BUS OPERATING PURSUANT TO APPLICABLE PROVISIONS OF LAW.  
18 FOR THE PURPOSE OF THIS SUBDIVISION, "SEATING CAPACITY" SHALL INCLUDE  
19 ANY PLAIN VIEW LOCATION WHICH IS CAPABLE OF ACCOMMODATING A NORMAL  
20 ADULT, IS PART OF AN OVERALL SEAT CONFIGURATION AND DESIGN, AND IS LIKE-  
21 LY TO BE USED AS A SEATING POSITION WHILE THE VEHICLE IS IN MOTION.

22 (Q) "HAIL VEHICLE OWNER" MEANS A PERSON LICENSED BY THE TLC TO OWN AND  
23 OPERATE, OR OPERATE, A HAIL VEHICLE FOR WHICH THE TLC HAS ISSUED A HAIL  
24 LICENSE.

25 (R) "HAIL LICENSE" MEANS A LICENSE ISSUED BY THE TLC TO A PERSON WHO  
26 IS THE OWNER OR LICENSED OPERATOR OF A FOR-HIRE VEHICLE THAT AUTHORIZES  
27 THAT VEHICLE TO PICK UP PASSENGERS BY STREET HAIL IN THE CITY, PROVIDED  
28 THAT SUCH AUTHORIZATION SHALL PROHIBIT THE PICK-UP OF PASSENGERS BY  
29 STREET HAIL AT AIRPORTS AND BY STREET HAIL OR PRE-ARRANGED CALL IN  
30 MANHATTAN SOUTH OF EAST NINETY-SIXTH STREET AND SOUTH OF WEST ONE  
31 HUNDRED TENTH STREET, OR IN SUCH AREA AS THE TLC SHALL BY RULE PROHIBIT  
32 PURSUANT TO THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE WHICH ADDED  
33 THIS SUBDIVISION.

34 (S) "HAIL VEHICLE TRIP" MEANS A HAIL VEHICLE TRIP PROVIDED TO ONE OR  
35 MORE PASSENGERS REGARDLESS OF THE NUMBER OF STOPS, THAT ORIGINATED BY  
36 STREET HAIL, AND FOR WHICH THE TAXIMETER IS REQUIRED TO BE IN THE  
37 RECORDING OR HIRED POSITION DESIGNATING A STREET HAIL TRIP SUBJECT TO  
38 THE TAX IMPOSED BY THIS ARTICLE.

39 (T) "HAIL BASE" MEANS A PERSON WHO OR WHICH IS A FOR-HIRE VEHICLE BASE  
40 STATION ESTABLISHED PURSUANT TO SECTION 19-511 OF THE ADMINISTRATIVE  
41 CODE OF THE CITY OF NEW YORK AND PERMITTED BY THE TLC TO BE AFFILIATED  
42 WITH HOLDERS OF HAIL LICENSES.

43 (U) "DISPATCH TRIP" MEANS A TRIP IN A HAIL VEHICLE THAT ORIGINATED BY  
44 A CUSTOMER CALLING A HAIL BASE TO REQUEST SERVICE AND THE HAIL BASE  
45 DISPATCHING THE CALL TO THE DRIVER OF THE HAIL VEHICLE, AND FOR WHICH  
46 THE TAXIMETER IS REQUIRED TO BE IN THE RECORDING OR HIRED POSITION  
47 DESIGNATING SUCH A TRIP.

48 S 13. Subdivisions (g), (h) and (m) of section 1280 of the tax law,  
49 subdivision (g) as added by section 1 of part E of chapter 25 of the  
50 laws of 2009 and subdivision (h) as amended and subdivision (m) as added  
51 by section 2 of part V of chapter 57 of the laws of 2010, are amended to  
52 read as follows:

53 (g) "Passenger" means an individual seated in a taxicab OR HAIL VEHI-  
54 CLE for travel for hire to a given destination.

55 (h) "Taximeter" means an instrument or device approved by the TLC by  
56 which the charge to a passenger for hire of a licensed taxicab FOR A  
S. 6118--A 9

1 TAXICAB TRIP OR OF A HAIL VEHICLE FOR A HAIL VEHICLE TRIP is automat-  
2 ically calculated and on which such charge is plainly indicated. THE  
3 TAXIMETER OF A HAIL VEHICLE MAY ALSO BE USED TO RECORD INFORMATION OF A  
4 DISPATCH TRIP.

5 (m) "Trip record," also known as a trip sheet or trip log, means the  
6 written, computerized, automated or electronic accounting of a taxicab  
7 [ride] TRIP, HAIL VEHICLE TRIP, OR DISPATCH TRIP. The trip data to be  
8 transmitted or recorded shall include the taxicab license number (medal-  
9 lion number) OR HAIL VEHICLE LICENSE NUMBER, ANY LICENSED OPERATOR'S TLC  
10 LICENSE NUMBER, AND HAIL BASE PERMIT NUMBER; the taxicab driver's  
11 license number OR HAIL VEHICLE DRIVER'S LICENSE NUMBER; the location of  
12 trip initiation; the time of trip initiation; the number of passengers;  
13 the location of trip termination; the time of trip termination; the  
14 itemized metered fare for the trip (tolls, surcharge, and tip if paid by  
15 credit or debit card); the distance of the trip, the trip number, the  
16 method of payment, the total number of passengers, as well as such other  
17 information as may be required by the TLC.

18 S 14. Section 1281 of the tax law, as amended by section 3 of part V  
19 of chapter 57 of the laws of 2010, is amended to read as follows:

20 S 1281. Imposition of tax. In addition to any other tax imposed by  
21 this chapter or other law, there is hereby imposed on every taxicab  
22 owner a tax of fifty cents per taxicab trip AND ON EVERY HAIL BASE A TAX  
23 OF FIFTY CENTS PER HAIL VEHICLE TRIP PROVIDED BY EVERY HAIL VEHICLE  
24 AFFILIATED WITH THE BASE, on every trip that originates in the city and  
25 terminates anywhere within the territorial boundaries of the MCTD.

26 S 15. Section 1282 of the tax law, as amended by section 4 of part V  
27 of chapter 57 of the laws of 2010, is amended to read as follows:

28 S 1282. Presumption of taxability. For the purpose of the proper  
29 administration of this article and to prevent evasion of the tax imposed  
30 by this article, it shall be presumed that every taxicab trip AND EVERY  
31 HAIL VEHICLE TRIP that originates in the city is subject to the tax  
32 imposed by this article. This presumption shall prevail until the  
33 contrary is proven, and the burden of proving the contrary shall be on  
34 the person liable for tax.

35 S 16. Section 1283 of the tax law, as amended by section 5 of part V  
36 of chapter 57 of the laws of 2010, is amended to read as follows:

37 S 1283. Liability for tax; special provisions. Notwithstanding any  
38 provision of law to the contrary: (a) The taxicab owner OR HAIL BASE, AS  
39 THE CASE MAY BE, shall be liable for the tax imposed by this article.

40 (B) If the TAXICAB owner has designated an agent, then the agent shall  
41 be jointly liable with the TAXICAB owner for the tax on trips occurring  
42 during the period that such designation is in effect. Even if the TLC  
43 has specified that the TAXICAB owner's agent cannot operate as an agent,  
44 that agent shall be jointly liable with the TAXICAB owner if the agent  
45 has acted for the TAXICAB owner. During the period that [an] A TAXICAB  
46 owner's designation of an agent is in effect, the agent shall file the  
47 returns required by this article and pay any tax due with such return,  
48 but the TAXICAB owner shall not be relieved of liability for tax, penal-  
49 ty or interest due under this article, or for the filing of returns  
50 required to be filed, unless the agent has timely filed accurate returns  
51 and timely paid the tax required to be paid under this article. If [an]  
52 A TAXICAB owner has designated an agent, then the agent must perform any  
53 act this article requires [an] THE TAXICAB owner to perform, but the  
54 failure of such agent to perform any such act shall not relieve the  
55 TAXICAB owner from the obligation to perform such act or from any  
56 liability that may arise from failure to perform the act.

S. 6118--A

10

1 [(b)] (C) (1) Although the tax is imposed on the taxicab owner OR THE  
2 HAIL BASE, the city or the TLC shall adopt or amend ordinances or regu-  
3 lations to ensure that the economic incidence of the tax is passed  
4 through to passengers, such as by increasing taxicab OR HAIL VEHICLE  
5 trip fares. The passing along of such economic incidence may not be  
6 construed by any court or administrative body as imposing the tax on any  
7 person other than the taxicab owner OR THE HAIL BASE. The city or the  
8 TLC must adjust trip fares to include therein the pass-through of the  
9 economic incidence of the tax imposed by this article, as the rate of  
10 such tax may from time to time change, and must timely require that any  
11 taximeter in a taxicab OR HAIL VEHICLE used to provide trips that origi-  
12 nate in the city be adjusted to include the pass-through.

13 (2) A taxicab owner OR A HAIL BASE OR HAIL VEHICLE OWNER in such city  
14 must timely adjust the taximeter in any of such person's taxicabs OR  
15 HAIL VEHICLES so that it reflects such pass-through as such pass-through  
16 amount may from time to time change.

17 (3) Neither the failure of such city or the TLC to adjust fares nor  
18 the failure of a taxicab owner, HAIL BASE, HAIL VEHICLE OWNER, or other  
19 person to adjust a taximeter will relieve any person liable for the tax  
20 imposed by this article from the obligation to pay such tax timely, at  
21 the correct rate.

22 S 17. Section 1283 of the tax law, as amended by section sixteen of  
23 this act, is amended by adding a new subdivision (d) to read as follows:

24 (D) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS LIMITING THE IMPOSI-  
25 TION OF ANY TAX IMPOSED BY ARTICLE TWENTY-EIGHT OF THIS CHAPTER ON  
26 TRANSPORTATION SERVICE PROVIDED BY A HAIL BASE, HAIL VEHICLE, OR OWNER  
27 OR OPERATOR OF A HAIL VEHICLE. NOR SHALL ANYTHING IN ARTICLE  
28 TWENTY-EIGHT OF THIS CHAPTER BE CONSTRUED AS LIMITING THE IMPOSITION OF  
29 ANY TAX IMPOSED BY THIS ARTICLE ON A HAIL VEHICLE TRIP OR AS LIMITING  
30 THE OBLIGATION ON A HAIL BASE TO PAY SUCH TAX.

31 S 18. Subdivision (a) of section 1286 of the tax law, as amended by  
32 section 8 of part V of chapter 57 of the laws of 2010, is amended to  
33 read as follows:

34 (a) Every person liable for any tax imposed by this article shall  
35 keep:

36 (1) records of every taxicab OR HAIL VEHICLE trip originating in the  
37 city and of all amounts paid, charged or due thereon and of the tax  
38 payable thereon, in such form as the commissioner may require;

39 (2) a true and complete copy of every contract, agreement, or arrange-  
40 ment concerning the lease, rental, or license to use a taxicab for which  
41 the person is required to remit the tax on trips imposed by this article  
42 on such person;

43 (3) a true and complete copy of every contract, agreement, or arrange-  
44 ment concerning the appointment of an agent;

45 (4) A TRUE AND COMPLETE COPY OF EVERY CONTRACT, AGREEMENT, OR ARRANGE-  
46 MENT CONCERNING THE AFFILIATION OF A HAIL VEHICLE OR OF A HAIL VEHICLE  
47 OWNER OR DRIVER WITH A HAIL BASE;

48 (5) true and complete copies of any records required to be kept by the

49 TLC; and  
50 [(5)] (6) such other records and information as the commissioner may  
51 require to perform his or her duties under this article.  
52 S 19. Subdivision (b) of section 1286 of the tax law is relettered  
53 subdivision (c) and a new subdivision (b) is added to read as follows:  
54 (B) EVERY PERSON THAT HAS CONTRACTED WITH THE CITY OR TLC TO PROVIDE  
55 SERVICES TO THE CITY, TO THE TLC, OR TO PERSONS LIABLE FOR TAX UNDER  
56 THIS ARTICLE RELATING TO TAXIMETERS, TO ADMINISTERING TAXIMETERS OR TO  
S. 6118--A 11

1 INFORMATION OBTAINED FROM TAXIMETERS AND EVERY PERSON THAT THE TLC HAS  
2 AUTHORIZED TO OBTAIN OR POSSESS INFORMATION GENERATED BY TAXIMETERS  
3 SHALL KEEP TRUE AND COMPLETE COPIES OF ALL METER INFORMATION.

4 S 20. Subdivision (b) of section 1287 of the tax law, as amended by  
5 section 9 of part V of chapter 57 of the laws of 2010, is amended to  
6 read as follows:

7 (b) Notwithstanding the provisions of subdivision (a) of this section,  
8 the commissioner may, in his or her discretion, permit the proper offi-  
9 cer of the city or the duly authorized representative of such officer,  
10 to inspect any return filed under this article, or may furnish to such  
11 officer or such officer's authorized representative an abstract of any  
12 such return or supply such person with information concerning an item  
13 contained in any such return, or disclosed by any investigation of tax  
14 liability under this article; but such permission shall be granted or  
15 such information furnished only if the city or the TLC shall have  
16 furnished the commissioner with all information requested by the commis-  
17 sioner pursuant to this article and shall have permitted the commis-  
18 sioner or the commissioner's authorized representative to make any  
19 inspection of any records or reports concerning taxicabs, taxicab  
20 owners, [and] agents, HAIL VEHICLES, HAIL VEHICLE OWNERS, AND HAIL BASES  
21 filed with or possessed by such city or the TLC which the commissioner  
22 may have requested from such city or the TLC. Provided, further, that  
23 the commissioner may disclose to the city or the TLC whether or not a  
24 person liable for the tax imposed by this article has paid all of the  
25 tax due under this article as of any given date.

26 S 21. Section 1289 of the tax law, as amended by section 10 of part V  
27 of chapter 57 of the laws of 2010, is amended to read as follows:

28 S 1289. Cooperation by city. The city and the TLC shall cooperate with  
29 and assist the commissioner to effect the purposes of this article and  
30 the commissioner's responsibilities under this article. Such cooperation  
31 shall include THE CITY OR TLC OBTAINING, furnishing [the], AND TIMELY  
32 UPDATING CURRENT, COMPLETE AND ACCURATE names, addresses and all other  
33 information concerning every (1) taxicab owner, operator, and driver of  
34 taxicabs in the city, [and concerning every] (2) agent and vehicle  
35 owner, AND (3) HAIL BASE, HAIL VEHICLE OWNER, HAIL VEHICLE, AND DRIVER  
36 OF A HAIL VEHICLE, and the trip records and other records of any of  
37 them, in the city's possession or in the possession of any of its agen-  
38 cies [or], instrumentalities, AGENTS, CONTRACTORS, OR ANY OTHER PERSON  
39 THE TLC HAS AUTHORIZED OR REQUIRED TO OBTAIN OR POSSESS SUCH RECORDS OR  
40 INFORMATION, together with any other information the commissioner  
41 requests, all IN A FORMAT PRESCRIBED BY, AND without cost to, the  
42 commissioner. THE TLC SHALL ALSO FURNISH, OR CAUSE TO BE FURNISHED, IN A  
43 FORMAT PRESCRIBED BY THE COMMISSIONER, ANY RECORDS OR INFORMATION IN THE  
44 POSSESSION OF THE TLC, ANY AGENT OR CONTRACTOR OF THE CITY OR THE TLC,  
45 OR ANY OTHER PERSON THE TLC HAS AUTHORIZED OR REQUIRED TO OBTAIN OR  
46 POSSESS SUCH RECORDS OR INFORMATION, CONCERNING THE PERSONS LIABLE FOR  
47 THE TAX IMPOSED BY THIS ARTICLE, INCLUDING, AMONG OTHER THINGS, DETAILED  
48 TRIP RECORD INFORMATION. SUCH COOPERATION SHALL ALSO INCLUDE THE TLC  
49 ASSIGNING IDENTIFYING NUMBERS AND OTHER IDENTIFYING INDICIA TO HAIL  
50 BASES, HAIL VEHICLE OWNERS, HAIL VEHICLES, AND DRIVERS OF HAIL VEHICLES  
51 IN A FORMAT PRESCRIBED BY THE COMMISSIONER, SO AS TO FACILITATE FILING  
52 RETURNS, PAYING TAX, AND PERFORMING OTHER TASKS REQUIRED TO ADMINISTER  
53 THE TAX IMPOSED BY THIS ARTICLE.

54 S 22. Section 1115 of the tax law is amended by adding a new subdivi-  
55 sion (hh) to read as follows:  
S. 6118--A 12

1 (HH) RECEIPTS FROM THE SALE OF TRANSPORTATION SERVICE CONSISTING OF A  
2 HAIL VEHICLE TRIP, AS THE TERM "HAIL VEHICLE TRIP" IS DEFINED IN ARTICLE  
3 TWENTY-NINE-A OF THIS CHAPTER, SHALL BE EXEMPT FROM THE TAX IMPOSED BY  
4 PARAGRAPH TEN OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED FIVE OF THIS  
5 ARTICLE, IF SUCH TRIP ORIGINATES IN A CITY OF A MILLION OR MORE AND  
6 TERMINATES ANYWHERE WITHIN THE TERRITORIAL BOUNDARIES OF THE METROPOL-  
7 ITAN COMMUTER TRANSPORTATION DISTRICT AND IS SUBJECT TO THE TAX ON HAIL  
8 VEHICLE TRIPS IMPOSED BY SUCH ARTICLE TWENTY-NINE-A.

9 S 23. Enforcement of penalties and collection of fees. Notwithstand-  
10 ing the provisions of any other law to the contrary, the New York state  
11 police may enforce any laws, rules or regulations related to vehicles  
12 with HAIL licenses and the Port Authority police department may enforce  
13 any laws, rules or regulations related to vehicles with HAIL licenses at  
14 facilities owned or leased by the Port Authority of New York and New



15 Jersey. The commission or tribunal that adjudicates liability for a  
16 violation relating to HAIL vehicles, for-hire vehicles and vehicles that  
17 operate as a vehicle licensed by the New York City taxi and limousine  
18 commission shall pay the money owed and collected to the entity that  
19 issued the summons for the violation.

20 S 24. Subdivision 4 of section 1220-b of the vehicle and traffic law,  
21 as amended by chapter 481 of the laws of 2009, is amended to read as  
22 follows:

23 4. Any person who engages in the unlawful solicitation of ground  
24 transportation services at an airport shall be guilty of a class B  
25 misdemeanor punishable by a fine of not less than [five hundred] SEVEN  
26 HUNDRED FIFTY dollars nor more than one thousand [two] FIVE hundred  
27 [fifty] dollars, or by imprisonment of not more than ninety days or by  
28 both such fine and imprisonment. Notwithstanding any contrary provision  
29 of law, any charge alleging a violation of this section shall be return-  
30 able before a court having jurisdiction over misdemeanors.

31 S 25. Section 19-506 of the administrative code of the city of New  
32 York is amended by adding two new subdivisions k and l to read as  
33 follows:

34 K. NO DRIVER OF ANY VEHICLE WITH A VALID HAIL LICENSE SHALL ACCEPT A  
35 PASSENGER BY STREET HAIL WITHIN THE CITY OF NEW YORK FROM A LOCATION  
36 WHERE STREET HAILS BY SUCH VEHICLES ARE NOT PERMITTED.

37 (I) A VIOLATION OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A FINE OF  
38 FIVE HUNDRED DOLLARS FOR THE FIRST VIOLATION. A VIOLATION OF THIS SUBDI-  
39 VISION SHALL BE PUNISHABLE BY A FINE OF SEVEN HUNDRED FIFTY DOLLARS WHEN  
40 A DRIVER HAS BEEN CONVICTED OF A VIOLATION OF THIS SUBDIVISION WITHIN  
41 THE IMMEDIATELY PRECEDING TWENTY-FOUR MONTHS. A VIOLATION OF THIS SUBDI-  
42 VISION SHALL RESULT IN REVOCATION OF THE DRIVER'S LICENSE ISSUED PURSU-  
43 ANT TO PARAGRAPHS (I) AND (III) OF SUBDIVISION A OF SECTION 19-505 OF  
44 THIS CHAPTER WHEN SUCH VIOLATION IS COMMITTED BY A DRIVER WHO HAS PREVI-  
45 OUSLY BEEN CONVICTED OF TWO VIOLATIONS OF THIS SECTION WITHIN THE IMME-  
46 DIATELY PRECEDING ONE HUNDRED TWENTY MONTHS.

47 (II) A FINDING THAT A DRIVER HAS COMMITTED A VIOLATION OF THIS SUBDI-  
48 VISION SHALL BE EVIDENCE THAT THE OWNER OR OPERATOR HOLDING THE HAIL  
49 LICENSE WITH RESPECT TO THE VEHICLE IN WHICH SUCH VIOLATION WAS COMMIT-  
50 TED FAILED TO MAKE A REASONABLE GOOD FAITH EFFORT TO DETER THE COMMIS-  
51 SION OF SUCH VIOLATION. A DRIVER'S THIRD CONVICTION OF THIS SUBDIVISION  
52 WITHIN ONE HUNDRED TWENTY MONTHS SHALL RESULT IN REVOCATION OF A HAIL  
53 LICENSE IF EACH SUCH VIOLATION OCCURRED IN A VEHICLE SUBJECT TO A HAIL  
54 LICENSE HELD BY SUCH OWNER OR OPERATOR OF ONE OR MORE OF SUCH HAIL  
55 LICENSES. THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION OR SUCCESSOR  
56 AGENCY SHALL ADVISE SUCH OWNER OR OPERATOR HOLDING THE HAIL LICENSE OF  
S. 6118--A 13

1 HIS OR HER POTENTIAL LIABILITY PURSUANT TO THIS SECTION UPON A FINDING  
2 THAT A VIOLATION OF PARAGRAPH (I) OF THIS SUBDIVISION WAS COMMITTED IN A  
3 VEHICLE WITH A VALID HAIL LICENSE.

4 L. A PERSON IS GUILTY OF UNLAWFUL FLEEING A NEW YORK CITY TAXI AND  
5 LIMOUSINE ENFORCEMENT OFFICER OR POLICE OFFICER WHEN, KNOWING THAT HE OR  
6 SHE HAS BEEN DIRECTED TO REMAIN STOPPED BY A NEW YORK CITY TAXI AND  
7 LIMOUSINE ENFORCEMENT OFFICER OR POLICE OFFICER, THE DRIVER OF A VEHICLE  
8 OPERATING PURSUANT TO A HAIL LICENSE WHO IS STOPPED IN A ZONE WHERE HE  
9 OR SHE IS NOT PERMITTED TO PICK UP STREET HAILS THEREAFTER ATTEMPTS TO  
10 FLEE SUCH OFFICER BY SETTING THE VEHICLE IN MOTION AND EITHER TRAVELS  
11 OVER THREE HUNDRED FEET WITHOUT STOPPING OR ENGAGES IN CONDUCT CONSTI-  
12 TUTING RECKLESS DRIVING AS DEFINED IN SECTION TWELVE HUNDRED TWELVE OF  
13 THE VEHICLE AND TRAFFIC LAW. UNLAWFUL FLEEING A NEW YORK CITY TAXI AND  
14 LIMOUSINE ENFORCEMENT OFFICER OR POLICE OFFICER IS A MISDEMEANOR PUNISH-  
15 ABLE BY A FINE OF NOT LESS THAN SEVEN HUNDRED FIFTY DOLLARS NOR MORE  
16 THAN ONE THOUSAND DOLLARS, OR BY IMPRISONMENT OF NOT MORE THAN NINETY  
17 DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT. NOTWITHSTANDING ANY CONTRARY  
18 PROVISION OF LAW, ANY CHARGE ALLEGING A VIOLATION OF THIS SUBDIVISION  
19 SHALL BE RETURNABLE BEFORE A COURT HAVING JURISDICTION OVER MISDEMEA-  
20 NORS.

21 S 26. Paragraphs 1, 2 and 4 of subdivision h of section 19-506 of the  
22 administrative code of the city of New York, as added by local law  
23 number 90 of the city of New York for the year 1989 and such subdivision  
24 as relettered by local law number 13 of the city of New York for the  
25 year 1992, is amended to read as follows:

26 (1) Any officer or employee of the commission designated by the chair-  
27 person of the commission and any police officer may seize any vehicle  
28 which he or she has probable cause to believe is operated or offered to  
29 be operated without an appropriate vehicle license for such operation in  
30 violation of subdivision b [or], c OR K of this section. Therefore,  
31 either the commission or an administrative tribunal of the commission at  
32 a proceeding commenced in accordance with subdivision e of this section,  
33 or the criminal court, as provided in this section, shall determine  
34 whether a vehicle seized pursuant to this subdivision was operated or  
35 offered to be operated in violation of either such subdivision. The  
36 commission shall have the power to promulgate regulations concerning the  
37 seizure and release of vehicles and may provide in such regulations for

38 reasonable fees for the removal and storage of such vehicles. Unless the  
39 charge of violating subdivision b [or], c OR K of this section is  
40 dismissed, no vehicle seized pursuant to this subdivision shall be  
41 released until all fees for removal and storage and the applicable fine  
42 or civil penalty have been paid or a bond has been posted in a form and  
43 amount satisfactory to the commission, except as is otherwise provided  
44 for vehicles subject to forfeiture pursuant to paragraph two of this  
45 subdivision.

46 (2) In addition to any other penalties provided in this section, if  
47 the owner is convicted in the criminal court of, or found liable in  
48 accordance with subdivision e of this section for, a violation of either  
49 subdivision b [or], c OR K of this section three or more times, and all  
50 of such violations were committed on or after the effective date of this  
51 section and within a thirty-six month period, the interest of such owner  
52 in any vehicle used in the commission of any such third or subsequent  
53 violation shall be subject to forfeiture upon notice and judicial deter-  
54 mination. Notice of the institution of the forfeiture proceeding shall  
55 be in accordance with the provisions of the civil practice law and  
56 rules.

S. 6118--A

14

1 (4) Notwithstanding the provisions of paragraph three of this subdivi-  
2 sion, establishment of a right of ownership shall not entitle a person  
3 to delivery of a vehicle if the city establishes in the forfeiture  
4 proceeding or in a separate administrative adjudication of a claim  
5 asserted pursuant to subparagraph [C] (C) of paragraph three of this  
6 subdivision that the violations of subdivision b [or], c OR K of this  
7 section upon which the forfeiture is predicated were expressly or  
8 impliedly permitted by such person. The commission OR SUCCESSOR AGENCY  
9 shall promulgate rules and regulations setting forth the procedure for  
10 such an administrative adjudication, which shall include provision for a  
11 hearing.

12 S 27. Section 19-512.1 of the administrative code of the city of New  
13 York, as added by local law number 20 of the city of New York for the  
14 year 1999 and subdivision a as amended by local law number 16 of the  
15 city of New York for the year 2008, is amended to read as follows:

16 S 19-512.1 Revocation of taxicab, FOR-HIRE OR HAIL LICENSE OR  
17 licenses. a. The commission OR SUCCESSOR AGENCY may, for good cause  
18 shown relating to a direct and substantial threat to the public health  
19 or safety and prior to giving notice and an opportunity for a hearing,  
20 suspend a taxicab [or], for-hire vehicle license OR A HAIL LICENSE  
21 issued pursuant to this chapter and, after notice and an opportunity for  
22 a hearing, suspend or revoke such license. The commission OR SUCCESSOR  
23 AGENCY may also, without having suspended a taxicab [or], for-hire vehi-  
24 cle license OR A HAIL LICENSE, issue a determination to seek suspension  
25 or revocation of such license and after notice and an opportunity for a  
26 hearing, suspend or revoke such license. Notice of such suspension or  
27 of a determination by the commission OR SUCCESSOR AGENCY to seek suspen-  
28 sion or revocation of a taxicab [or], for-hire vehicle license OR A HAIL  
29 LICENSE shall be served on the licensee by personal delivery or by  
30 certified and regular mail within five calendar days of the pre-hearing  
31 suspension or of such determination. The licensee shall have an opportu-  
32 nity to request a hearing before an administrative tribunal of competent  
33 jurisdiction within ten calendar days after receipt of any such notifi-  
34 cation. Upon request such hearing shall be scheduled within ten calendar  
35 days, unless the commission OR SUCCESSOR AGENCY or other administrative  
36 tribunal of competent jurisdiction determines that such hearing would be  
37 prejudicial to an ongoing criminal or civil investigation. If the tenth  
38 day falls on a Saturday, Sunday or holiday, the hearing may be held on  
39 the next business day. A decision shall be made with respect to any such  
40 proceeding within sixty calendar days after the close of the hearing. In  
41 the event such decision is not made within that time period, the license  
42 or medallion which is the subject of the proceeding shall be returned by  
43 the commission OR SUCCESSOR AGENCY to the licensee and deemed to be in  
44 full force and effect until such determination is made, unless the  
45 commission OR SUCCESSOR AGENCY or other administrative tribunal of  
46 competent jurisdiction determines that the issuance of such determi-  
47 nation would be prejudicial to an ongoing criminal or civil investi-  
48 gation.

49 b. It shall be an affirmative defense that the holder of the taxicab  
50 [or], for-hire vehicle license OR A HAIL LICENSE or the owner of the  
51 taxicab [or], for-hire vehicle OR HAIL VEHICLE has (1) exercised due  
52 diligence in the inspection, management and/or operation of the taxicab  
53 [or], for-hire vehicle OR HAIL VEHICLE and (2) did not know or have  
54 reason to know of the acts of any other person with respect to that  
55 taxicab [or] LICENSE, for-hire vehicle license OR A HAIL LICENSE or  
56 taxicab [or], for-hire vehicle OR HAIL VEHICLE upon which a suspension,  
S. 6118--A

15

1 proposed suspension or proposed revocation is based. With respect to  
2 any violation arising from taximeter tampering, an owner's due diligence

3 shall include, but not be limited to, those actions set forth in subdi-  
4 vision h of section 19-507.1 of this chapter. Any pre-hearing suspen-  
5 sion period shall be counted towards any suspension period made in any  
6 final determination.

7 S 28. Subdivision a of section 19-507 of the administrative code of  
8 the city of New York, as amended by local law number 88 of the city of  
9 New York for the year 1989, is amended to read as follows:

10 a. The commission OR SUCCESSOR AGENCY shall fine any driver, or  
11 suspend or revoke the driver's license of any driver, as provided in  
12 subdivision b of this section, who shall have been found in violation of  
13 any of the following:

14 1. No driver of a taxicab shall seek to ascertain, without justifiable  
15 grounds, the destination of a passenger before such passenger shall be  
16 seated in the vehicle.

17 2. No driver of a taxicab shall refuse, without justifiable grounds,  
18 to take any passenger or prospective passenger to any destination within  
19 the city.

20 3. No driver of a vehicle the fares of which are set by the commission  
21 OR SUCCESSOR AGENCY shall charge or attempt to charge a fare above the  
22 fare set by the commission OR SUCCESSOR AGENCY.

23 4. No driver of a for-hire vehicle, OTHER THAN A DRIVER OPERATING A  
24 FOR-HIRE VEHICLE WITH A VALID HAIL LICENSE, shall accept passengers  
25 unless the passengers have engaged the use of the for-hire vehicle on  
26 the basis of telephone contract or prearrangement.

27 S 29. Subdivision a of section 19-516 of the administrative code of  
28 the city of New York, as amended by local law number 115 of the city of  
29 New York for the year 1993, is amended to read as follows:

30 a. For-hire vehicles THAT DO NOT POSSESS A VALID HAIL LICENSE may  
31 accept passengers only on the basis of telephone contract or prearrange-  
32 ment. The commission OR SUCCESSOR AGENCY may establish such disciplinary  
33 actions as it deems appropriate for failure to abide by the provisions  
34 of this chapter.

35 S 30. If any of the provisions of chapter 602 of the laws of 2011  
36 relating to livery permits in the city of New York shall conflict with  
37 provisions of this act, the provisions set forth in this act shall  
38 control.

39 S 31. This act shall take effect immediately; provided, however, that  
40 sections two and three of this act shall take effect on the same date  
41 and in the same manner as chapter 602 of the laws of 2011 relating to  
42 livery permits in the city of New York, took effect, and provided  
43 further that sections twelve through twenty-two of this act shall take  
44 effect February 15, 2012, but only if the commissioner of taxation and  
45 finance has received written notice by January 15, 2012, sent by certi-  
46 fied or registered mail to the office of the commissioner of taxation  
47 and finance in Albany, from the chair/commissioner or counsel of the New  
48 York city taxi and limousine commission (TLC) or successor agency that,  
49 effective February 15, 2012, the TLC has authorized for-hire vehicles to  
50 operate as HAIL vehicles to accept hails in the street, or, if the  
51 commissioner of taxation and finance has not received such notice,  
52 mailed in accordance with this section, from the TLC or successor agency  
53 by January 15, 2012, then sections twelve through twenty-two of this act  
54 shall take effect on the first day of the first month next commencing at  
55 least 20 days after the commissioner of taxation and finance has  
56 received written notice, sent by certified or registered mail to the  
S. 6118--A 16

1 office of the commissioner of taxation and finance in Albany, from the  
2 chair/commissioner or counsel of the TLC or successor agency that the  
3 TLC or successor agency has authorized for-hire vehicles to operate as  
4 HAIL vehicles to accept hails in the street; provided that the commis-  
5 sioner of taxation and finance shall notify the legislative bill draft-  
6 ing commission upon receipt of written notification from the  
7 chair/commissioner or counsel of the TLC or successor agency that the  
8 TLC or successor agency has authorized for-hire vehicles permitted as  
9 HAIL vehicles to accept hails on the street in order that the legisla-  
10 tive bill drafting commission may maintain an accurate and timely data  
11 base of the official text of the laws of the state of New York in furth-  
12 erance of effecting the provisions of section 44 of the legislative law  
13 and section 70-b of the public officers law; and sections twelve through  
14 twenty-two of this act shall apply to HAIL vehicle trips originating on  
15 or after such effective date of such sections twelve through twenty-two.