

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 147

Introduced by Council Members Levin, Constantinides, Holden, Rivera, Brannan, Chin, Rosenthal, Ayala, Menchaca and Lander.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to conducting a study of the impact vehicles for hire have on the city of New York, and authorizing the commission to establish and revise vehicle utilization standards for high-volume for-hire services and to regulate the issuance of new licenses to for-hire vehicles

Be it enacted by the Council as follows:

Section 1. a. The taxi and limousine commission shall not issue new for-hire vehicle licenses for 12 months after the effective date of this local law, during which period the commission shall submit a report to the council every 3 months on the impact of this section on vehicle ridership throughout the city.

b. Notwithstanding subdivision a of this section, the taxi and limousine commission may issue a new for-hire vehicle license to an applicant who (i) possesses a taxi and limousine commission issued driver's license, (ii) provides written proof that, prior to the effective date of this local law, the applicant entered into a lease for the use of a licensed for-hire vehicle that contains a conditional purchase agreement for the vehicle, and (iii) demonstrates that the term of such lease is no less than 2 years.

c. Notwithstanding subdivision a of this section, the taxi and limousine commission shall continue to issue new for-hire vehicle licenses for wheelchair accessible vehicles.

d. The taxi and limousine commission shall continue to renew for-hire vehicle licenses existing on the effective date of this local law pursuant to the rules of the commission.

e. Notwithstanding subdivision a of this section, the taxi and limousine commission may issue any number of new for-hire vehicle licenses upon a determination by the commission that issuing such number of new for-hire vehicle licenses would increase the availability of for-hire services in different geographic areas of the city where such services are needed, and where such licenses would not substantially contribute to traffic congestion, and the promulgation of rules pursuant to chapter 45 of the New York city charter shall not be required for any action taken by the commission pursuant to this subdivision.

f. The taxi and limousine commission may promulgate rules to address the need of any person who has been issued a for-hire vehicle license prior to the effective date of this local law to ensure that such license may remain operable during the 12-month period after the effective date of this local law.

§ 2. Section 19-502 of the administrative code of the city of New York is amended by adding a new subdivision hh to read as follows:

hh. The term “vehicle utilization standard” means the standard for the efficient use of for-hire vehicles as determined by the commission based on the time spent, distance traveled or both by drivers of for-hire vehicles transporting passengers on trips dispatched by a base or, as applicable, a high-volume for-hire service; the time spent, distance traveled or both by drivers who have made themselves available to accept dispatches from such base or from such high-volume for-hire service; and the number of passengers transported by such drivers.

§ 3. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-550 to read as follows:

§ 19-550 Vehicle utilization standards. a. The commission, in conjunction with the department of transportation, shall study (i) income drivers derive from operating vehicles that provide transportation services to passengers, (ii) traffic congestion throughout the city, (iii) the extent to which various categories of vehicles for hire contribute to such congestion, (iv) traffic safety, (v) vehicle utilization rates, (vi) access to services in different geographic areas of the city for one or more categories of vehicles for hire, (vii) the number of hours that drivers have made themselves available to accept dispatches from a base or from a high-volume for-hire service by day or week, (viii) driver income and well-being, and (ix) such other topics as the commission and the department of transportation deem appropriate. The study shall be conducted during the 12 months following the effective date of the local law that added this section.

b. Based on the results of the study conducted pursuant to subdivision a of this section, the commission:

1. may establish vehicle utilization standards for the operation of vehicles dispatched by high-volume for-hire services in the city and, if such standards are established, shall review such standards on a periodic basis, but not less than once annually, and based on such review may revise such standards for the operation of such vehicles; and

2. shall review the number of for-hire vehicle licenses on a periodic basis, but not less than once annually, and based on such review may regulate the number of for-hire vehicle licenses issued pursuant to section 19-504.

c. The commission may vary the vehicle utilization standards established, and the number of licenses issued, pursuant to subdivision b of this section, by geographic area of the city, time of day, day of the week, whether a vehicle is a wheelchair accessible vehicle or a low- or zero-emission vehicle and by such other factors as the commission deems appropriate to address traffic congestion, shared rides, traffic safety, vehicle emissions, for-hire vehicle ridership, the income drivers derive from providing transportation services to passengers and the availability of for-hire vehicle services in different geographic areas of the city.

d. For each trip a high-volume for-hire service offers or otherwise facilitates through one or more black car base, luxury limousine base or livery base station, the commission may require the following data be provided:

1. For each trip dispatched by such base or base station:

(a) the driver license number issued by the commission;

(b) the license number, issued by the commission, of the vehicle that fulfilled the trip request and the base or base station with which such vehicle is affiliated;

(c) the location from which each passenger is picked up and subsequently dropped off;

(d) the total number of passengers picked up and dropped off from the location referenced in subparagraph (c);

(e) the date and time such passenger is picked up;

(f) the date and time such passenger is dropped off;

(g) the total trip mileage;

(h) the date and time such trip request was made by a passenger;

(i) the itemized fare for each trip including the amount of the fare, any toll, surcharge, commission rate, other deduction and any gratuity and a breakdown of the amount such passenger paid for the trip; and

(j) the payment that each driver received for each trip or the hourly rate paid;

2. The total amount of time a vehicle is connected to the electronic platform of a high-volume for-hire service each day;

3. The amount of time spent each day by each vehicle transporting passengers for hire, as well as the time spent each day by such vehicle on the way to a passenger, and time spent by such vehicle between trips but not on the way to a passenger; and

4. Any additional information required by the commission to conduct the study required by subdivision a or to review:

(a) the vehicle utilization standards authorized to be established by subdivision b of this section; and

(b) the issuance of licenses authorized to be regulated by subdivision b of this section.

e. The commission shall establish penalties to be imposed on a high-volume for-hire service for the failure of such service to meet any vehicle utilization standards established pursuant to this section. Such penalties shall be calculated by multiplying the total number of trips dispatched by such service within a 24-hour period by the following penalty ranges: no less than \$0.01 per trip dispatched and no greater than \$0.10 per trip dispatched for the first violation of any vehicle utilization standard; no less than \$0.50 per trip dispatched and no more than \$0.80 per trip dispatched for a second violation within a 24-month period; and no less than \$1 per trip dispatched and no greater than \$5 per trip dispatched for any subsequent violation within a

24-month period. The establishment of penalties by the commission shall depend on an assessment of factors, which shall include but need not be limited to the extent to which the high-volume for-hire service has failed to meet any vehicle utilization standard established by the commission during the previous 12 months, the scale of the divergence from such standard, and the number of vehicles dispatched by such service in a 24-hour hour period. Such civil penalties shall not affect the authority of the commission to suspend or revoke the license of any high-volume for-hire service or the license of any base or base station.

f. A high-volume for-hire service shall not deduct any payment owed to any driver for a trip dispatched by such service for the payment of any penalties imposed by the commission pursuant to subdivision e of this section. The commission shall establish penalties no less than \$500 and no greater than \$1,000 for each violation of this subdivision.

g. The commission shall no later than December 31, 2020 and annually thereafter submit to the council and the mayor a report on the effects of vehicle utilization standards and the regulation of the number of licenses issued to for-hire vehicles authorized by subdivision b of this section.

§ 3. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on August 8, 2018 and approved by the Mayor on August 14, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 147 of 2018, Council Int. No. 144-B of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.