

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2023**

No. 79

Introduced by Council Members Feliz, Hanif, Marte, Brewer, Yeger, Avilés, Nurse, Gutiérrez, Brannan, Sanchez, Holden, Brooks-Powers, Narcisse, Louis, De La Rosa, Stevens, Lee, Krishnan, Farías, Hudson, Menin, Schulman and Dinowitz.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring all children with an individualized education program to be transported in buses with air-conditioning

Be it enacted by the Council as follows:

Section 1. Section 19-605 of the administrative code of the city of New York, as added by local law number 63 for the year 2003, is amended to read as follows:

§ 19-605[.] Air-conditioning. a. *Definitions. For purposes of this section, the term “child with a disability” has the same meaning as set forth in subdivision 1 of section 4401 of the education law.*

b. Any bus or other motor vehicle transporting a child with a disability to and from a school in the city pursuant to any agreement or contract shall be air-conditioned when the ambient outside temperature exceeds [seventy] 70 degrees Fahrenheit. Drivers of all such vehicles shall utilize such air conditioning systems [in order] to make the internal climate of such vehicles comfortable to passengers [in order] to protect or enhance the health of children with disabilities. Any failure, mechanical or otherwise, of an air-conditioning system required by this section shall be repaired and restored to operable condition as soon as is practicable, but in no event more than [three] 3 business days subsequent to the failure. [For purposes of this section, “child with a disability” shall

mean a child with a disability as defined in section 4401(1) of the education law who requires an air-conditioned environment for health reasons.]

[b.] c. The penalty provisions set forth in section 19-607 [of this chapter] shall not apply to any violation of the provisions of this section. Any owner, operator or contractor responsible for transporting a child with a disability to and from a school in the city pursuant to any agreement or contract shall be liable for a civil penalty of [four hundred dollars] \$400 for each violation of this section.

§ 2. This local law takes effect September 1, 2035.

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 May 25, 2023 and returned unsigned by the Mayor on June 29, 2023.

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. 79 of 2023, Council Int. No. 566-A of 2022) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter

STEPHEN LOUIS, Acting Corporation Counsel.