

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1986**

No. 76

J699-A

Introduced by Council Member Eisland (by request of the Mayor); also Council Member Leffler.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the regulation of for-hire vehicles.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent. The council recognizes the value of community-based service provided to the riding public by the city's for-hire vehicle industry including limousines and liveries. The council also recognizes its responsibility to the general public to provide for the safety of for-hire vehicles operating in the city. The council hereby finds that the public safety requires regulation to ensure that for-hire vehicles have adequate liability insurance coverage, are mechanically safe, are driven by responsible drivers and are in compliance with other standards of operation to be set forth by the taxi and limousine commission.

Local legislation adopted by the council has given the taxi and limousine commission authority to regulate nonmedallion for-hire vehicles as well as medallion taxicabs. The council previously has denominated nonmedallion for-hire vehicles as "limousines." The council finds that recent court decisions considering the type of vehicles subject to licensing by the taxi and limousine commission as "limousines" have construed the term "limousine" more narrowly than had been the intent of the council. This local law corrects any ambiguity in the law. Rather than continue to apply the term "limousine" to a variety of for-hire vehicles which offer distinctive types of passenger service, the council hereby determines to use the term "for-hire vehicle" to encompass the separate categories of vehicles for hire subject to the regulatory jurisdiction of the taxi and limousine commission and to define such term with specificity so that future uncertainty as to the council's intent will be eliminated.

§2. Subdivisions e, f and g of section 19-502 of the administrative code of the city of New York are amended to read as follows:

e. "Vehicle license" means taxicab license, coach license, wheelchair accessible van license or for-hire vehicle license issued by the commission.

f. "Licensed vehicle" means a taxicab, coach, wheelchair accessible van or for-hire vehicle licensed by the commission.

g. "For-hire vehicle" means a motor vehicle carrying passengers for hire in the city, designed to carry fewer than nine passengers, other than a taxicab, coach or wheelchair accessible van.

§3. Such code is amended by adding a new section 19-503.1 to read as follows:

§19-503.1 For-hire vehicles; special regulations. The commission shall have the authority to promulgate rules and regulations which classify for-hire vehicles according to the nature of the service or services provided and the type of vehicle used and adopt regulations appropriate for each such classification setting forth standards for operation, including but not limited to standards of service, insurance and safety.

§4. Subdivisions a and b of section 19-504 of such code are amended to read as follows:

§19-504 General provisions for licensing of vehicles. a. A taxicab, coach, wheelchair accessible van or for-hire vehicle shall operate within the city of New York only if the owner shall first have obtained from the commission a taxicab, coach, wheelchair accessible van or for-hire vehicle license for such vehicle and only while such license is in full force and effect. Such license shall be issued as of June first and shall expire on May thirty-first next succeeding, unless suspended or revoked by the commission. No motor vehicle other than a duly licensed taxicab shall be permitted to accept hails from passengers in the street.

b. The license fee for each taxi-cab and coach shall be five hundred dollars annually. The license fee for each for-hire vehicle shall be two hundred fifty dollars annually. However, if a license is granted for a period of six months or less the fee shall be one-half of the annual fee fixed by the commission.

§5. Paragraph iii of subdivision a of section 19-505 of such code is amended to read as follows:

(iii) a for-hire vehicle driver's license, if the vehicle driven is a for-hire vehicle; or

§6. Subdivisions b and c of section 19-506 of such code are amended to read as follows:

b. Any person who shall permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle as a taxicab, coach, wheelchair accessible van or for-hire vehicle in the city, without first having obtained an appropriate license therefor, shall be guilty of a violation hereof, and upon conviction in the criminal court shall be punished by a fine of not less than two hundred dollars or more than five hundred dollars or imprisonment for not more than sixty days, or both such fine and imprisonment.

c. No person shall operate or permit to be operated any vehicle bearing the words "hack," "taxi," "taxicab," "coach," or other designation of similar import unless the vehicle is licensed as a taxicab or coach and the driver has an appropriate driver's license under this chapter, nor shall any person advertise or hold himself or herself out as doing business as a taxi, taxicab, hack or coach service unless he or she holds a vehicle license therefor, nor shall any person advertise or hold himself or herself out as doing business as a "limousine service," a "livery service," a "for-hire vehicle service," a handicapped transportation service, or other similar designation unless the vehicle or vehicles used therefor are so licensed.

§7. Section 19-515 of such code is amended to read as follows:

§19-515 Color schemes and emblems. a. For-hire vehicles may be painted any color approved by the commission, other than the colors reserved for medallion taxis.

b. For-hire vehicles shall have the name of the owner or operator displayed on the outside or inside of the vehicle in such form as shall be prescribed by the commission, except that the commission may prescribe an exemption from this requirement for classes of for-hire vehicles for which such display would be inappropriate. All for-hire vehicles must at all times carry in the glove compartment and produce upon demand of any police, peace, law enforcement officer, inspector or officer of the commission:

1. The for-hire vehicle license.
2. The driver's for-hire vehicle-driver's license.
3. Evidence of current liability insurance or financial responsibility.

§8. Section 19-516 of such code is amended to read as follows:

§19-516 Acceptance of passengers by for-hire vehicles. For-hire vehicles may accept passengers only on the basis of telephone contract or prearrangement. The commission may establish such disciplinary actions as it deems appropriate for failure to abide by the provisions of this

chapter, provided, however, that after three determinations by the commission that a for-hire vehicle driver has picked up passengers while cruising or not by prearrangement, the for-hire vehicle driver's license may be revoked.

§9. Section 19-517 of such code is amended to read as follows:

§19-517 For-hire vehicle licenses. The commission may require that a notice be posted at the main entrance of each garage housing for-hire vehicles reciting the number of such vehicles, their license numbers and such other information as the commission may designate.

§10. Section 19-518 of such code is amended to read as follows:

§19-518 Transfer of licenses prohibited. No for-hire vehicle license shall be transferred or assigned, nor shall such license be used on any garage or business location other than the location stated in such license.

§11. Notwithstanding any inconsistent provision of chapter five of title nineteen of the administrative code of the city of New York, as amended by this local law, a person holding, as of the effective date of this local law, a valid, unrevoked limousine license for the operation of a vehicle reclassified as a for-hire vehicle pursuant to subdivision g of section 19-502 of such code as amended by section two of this local law may continue to operate such for-hire vehicle or its replacement pursuant to such limousine license up to and including the expiration date of such limousine license. Notwithstanding any inconsistent provision of such chapter, title and code, as amended by this local law, a person holding, as of the effective date of this local law, a valid, unrevoked limousine-driver's license who operates any vehicles reclassified as for-hire vehicles pursuant to subdivision g of section 19-502 of such code as amended by section two of this local law may continue to operate any such vehicle pursuant to such limousine-driver's license up to and including the expiration date of such limousine-driver's license. Notwithstanding the provisions of subdivision b of section 19-504 of such code, the fee for each for-hire vehicle license issued on or after the effective date of this local law and which expires May thirty-first, nineteen hundred eighty-seven shall be one hundred twenty-five dollars or such lesser amount as the taxi and limousine commission may establish by regulation.

§12. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§13. Not later than the thirtieth day after the date of enactment of this local law the taxi and limousine commission shall submit a written report to the council on its plan for implementing the regulatory authority concerning the licensing, inspection, enforcement, adjudication of violations and administration over the various classes of for-hire vehicles, as provided in section 19-503.1 of the administrative code of the city of New York as added by section three of this local law. Not later than the sixtieth day after such date of enactment the commission shall submit a written report to the council on the status of the hiring of personnel and on other actions taken for the improved enforcement of the provisions of chapter five of title nineteen of such code with regard to all vehicles required to be licensed under such chapter and title.

§14. This local law shall take effect ninety days after its date of enactment, provided however that the taxi and limousine commission as of the date of enactment of this local law shall be authorized to promulgate any rule or regulation necessary for the administration of and to issue any license provided for in such local law.

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 December 9, 1986, and approved by the Mayor on December 22, 1986.

CARLOS CUEVAS, City Clerk, Clerk of Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 76 of 1986, Council Int. No. 699-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on December 9, 1986: 21 for, 13 against.

Was approved by the Mayor on December 22, 1986.

Was returned to the City Clerk on December 22, 1986.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.