

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1995**

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**No. 31**

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Introduced by Council Members Koslowitz, Dear, DeMarco, Lasher, Pagan, Watkins, Abel, Eristoff, Fossella, Fusco, Ognibene, Stabile and Millard (by the request of the Mayor); also Council Members Leffler, O'Donovan, Povman and Michels.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to repealing the regulation of sight-seeing bus drivers.**

*Be it enacted by the Council as follows:*

Section 1. Section 20-371 of the administrative code of the city of New York is amended to read as follows:

§20-371 **Licensing of sight-seeing buses, [horse-drawn] horse drawn cabs and horse drawn cab drivers.** Legislative findings. The legislative findings heretofore made in relation to the business of sight-seeing *buses* and [horse-drawn] *horse drawn* cabs in the city of New York and set forth in local law number ten of nineteen hundred sixty-four continue to be valid; such [business is] *businesses are* vested with a public interest and [its] *their* regulation and control continue[s] to be necessary and essential in order to cope with certain evils and hazards which existed in the absence of governmental supervision. The supervision formerly was reposed in the police commissioner, but recent experience and study indicate that jurisdiction over such [business] *businesses* should be transferred to the commissioner. It is further found that the present number of [horse-drawn] *horse drawn* cabs licensed in the city of New York is adequate to meet the public need and demand and should be preserved, unless the commissioner finds that additional licenses are necessary and advisable.

§2. Section 20-372 of the administrative code of the city of New York, subdivision 7 as amended by local law number 2 for the year 1994, is amended to read as follows:

§20-372 **Definitions.** Whenever used in this subchapter, the following terms shall mean:

1. "Owner" shall include any person, firm, partnership, corporation or association owning and operating a sight-seeing bus or buses, or [horse-drawn] *horse drawn* cab or cabs, and shall include a purchaser under a reserve title contract, conditional sales agreement or vendor's agreement and the lessee of such vehicle or vehicles under a written lease or similar contract provided such purchaser or lessee[s] of sight-seeing bus or buses shall be entitled to obtain in his or her name a license or licenses therefor from the commissioner of motor vehicles of the state of New York.

[2. "Sight-seeing bus driver" shall include any person licensed to drive a sight-seeing bus in the city of New York.]

[3]2. "Sight-seeing bus license" shall designate the license issued by the commissioner for each sight-seeing bus.

[4. "Sight-seeing bus driver's license" shall designate the license issued by the commissioner for a driver of a sight-seeing bus.]

[5]3. "Inspection card" shall designate the card issued by the commissioner for the sight-seeing bus licensed or [horse-drawn] *horse drawn* cab licensed, which card shall display the license number and capacity of such vehicle.

[6]4. "Sight-seeing bus" shall mean a motor vehicle designed to comfortably seat and carry eight or more passengers operating for hire from a fixed point in the city of New York to a place or places of interest or amusements, and shall also include a vehicle, designed as aforesaid which by oral or written contract is let and hired or otherwise engaged for its exclusive use for a specific or special trip or excursion from a starting point within the city of New York.

[7]5. "Horse drawn cab" shall mean a horse drawn vehicle operating for hire, so designed and constructed to comfortably seat not more than four adults, or two adults and four children, each of whom is under twelve years of age, or three adults and two children, each of whom is under twelve years of age, in the interior thereof.

[8]6. "[Horse-drawn] *Horse drawn* cab driver" shall include any person licensed to drive a [horse-drawn] *horse drawn* cab in the city of New York.

[9] 7. "[Horse-drawn] *Horse drawn* cab license" shall designate the license issued by the commissioner for each [horse-drawn] *horse drawn* cab.

[10]8. "[Horse-drawn] *Horse drawn* cab driver's license" shall designate the license issued by the commissioner for a driver of a [horse-drawn] *horse drawn* cab.

§3. Section 20-381 of the administrative code of the city of New York, as added by local law number 2 for the year 1994, is amended to read as follows:

§20-381 [**Sight-seeing bus driver's and horse] *Horse drawn* cab driver's license[s].** a. It shall be unlawful for any person to operate a [sight-seeing bus or] horse drawn cab within the city without having a valid [sight-seeing bus driver's or] horse drawn cab driver's license from the commissioner.

b. [The following fees shall be paid by the applicant for a sight-seeing bus driver's or horse drawn cab driver's license at the time of filing the application and shall not be refunded in the event of disapproval of the application:]

The biennial fee for each such *horse drawn cab* driver's license shall be thirty dollars.

[c. All original licenses shall expire on the thirty-first day of May of the next even number year following the year of issuance, and shall be renewable for additional two-year periods.

d] c. The commissioner shall investigate each applicant as to character and fitness before such license shall be issued.

[e] d. A horse drawn cab driver's license shall not be issued or renewed unless the applicant therefor has submitted to the commissioner a certificate issued by the commissioner of health pursuant to section 17-334.1 of the code.

[f]e. It shall be unlawful for any owner of a horse drawn cab to permit such horse drawn cab to be operated by a person who does not possess a current valid driver's license issued pursuant to this section. In any prosecution of an owner for a violation of this section, it shall not be necessary to prove that the owner knew or should have known that

the driver was unlicensed, and there shall be a rebuttable presumption that such cab was operated with the permission of the owner.

§4. Section 20-382 of the administrative code of the city of New York is amended to read as follows:

§20-382 **Unlawful agreements by owners[, sight-seeing bus drivers] or [horse-drawn] horse drawn cab drivers.** It shall be unlawful for any owner[, any sight-seeing bus driver,] or any [horse-drawn] *horse drawn* cab driver to have or make any contract or agreement with any owner of any hotel, apartment house, restaurant or cafe or with the agent or employee of such places, by which such owner[, such sight-seeing bus driver,] or such [horse -drawn] *horse drawn* cab driver shall agree to solicit the patronage of any passenger for any such hotel, apartment house, restaurant or cafe.

§5. Subdivision a of section 20-383 of the administrative code of the city of New York, as amended by local law number 2 for the year 1994, is amended to read as follows:

a. The commissioner may suspend or revoke any sight-seeing bus license [or sight-seeing bus driver's license] where the holder has failed to comply with any of the provisions of this subchapter or of the rules promulgated by the commissioner.

§6. Notwithstanding any other provision of law, any sight-seeing bus driver's license issued by the commissioner of consumer affairs pursuant to subchapter 21 of chapter 2 of title 20 of the administrative code of the city of New York prior to the effective date of this local law shall become null and void and be of no further effect as of the effective date of this local law. Notwithstanding any other provision of law, if the holder of such sight-seeing bus driver's license surrenders the license within 60 days after the effective date of this local law to the department of consumer affairs, such holder may receive a refund of an amount equal to the fee for the sight-seeing bus driver's license prorated to the unexpired portion of the sight-seeing bus driver's license term.

§7. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect shall be affected or abated by the adoption of this local law or by anything contained herein and all such actions or proceedings may be continued notwithstanding the adoption of this local law.

§8. This local law shall take 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 April 12, 1995, and approved by the Mayor on April 21, 1995.

CARLOS CUEVAS, City Clerk, Clerk of the 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 31 of 1995, Council Int. No. 446) contains the correct text and:

Received the following vote at the meeting of the New York City Council on April 12, 1995: 46 for, 1 against.

Was approved by the Mayor on April 21, 1995.

Was returned to the City Clerk on April 21, 1995.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel