

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2012**

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**No. 36**

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Introduced by Council Members Ferreras, Vacca, Barron, Brewer, Cabrera, Comrie, Dickens, Fidler, Foster, James, Koslowitz, Lander, Levin, Mark-Viverito, Palma, Recchia, Reyna, Rose, Sanders Jr., Van Bramer, Williams, Wills, Jackson, Lappin, Vallone, Rodriguez, Dromm, Garodnick, Chin, Arroyo, Koppell, Koo, Gennaro, Mealy and Ulrich

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to using a vehicle licensed by the taxi and limousine commission to facilitate sex trafficking.**

*Be it enacted by the Council as follows:*

Section 1. Legislative Intent. The Council finds that sex trafficking is a problem in New York City, and that some drivers in the City, including some who are licensed by the Taxi and Limousine Commission (TLC), knowingly use TLC licensed vehicles to facilitate sex trafficking. More specifically, some drivers knowingly engage in a business of transporting individuals to patrons for purposes of prostitution, procuring and/or soliciting patrons for the prostitution, and receiving proceeds from such business in collaboration with traffickers and pimps. It is therefore necessary to combat this activity by establishing penalties against those who are misusing TLC licenses in this manner and by requiring those who hold or are obtaining TLC licenses to become informed about the laws governing sex trafficking and promoting prostitution. It is not the Council's intent to penalize TLC-licensed drivers for lawfully accepting a fare or for failing to investigate illegal activities that may be occurring within their vehicle without their knowledge.

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

y. *“Facilitate sex trafficking with a vehicle” shall mean (1) committing any of the following crimes set forth in the penal law, as evidenced by conviction of such crime: promoting prostitution in the third degree; promoting prostitution in the second degree; promoting prostitution in the first degree; sex trafficking; or compelling prostitution and (2) using a vehicle licensed by the commission to commit such crime.*

§ 3. Section 19-505 of the administrative code of the city of New York is amended by adding a new subdivision q to read as follows:

q. *Not more than one hundred eighty days following the enactment of this subdivision, the commission shall develop and commence a program to notify drivers of all vehicles licensed by the commission that facilitating sex trafficking with a vehicle is illegal. Such program shall inform such drivers of the specific laws defining and proscribing such facilitation, including the provisions of this section and section 19-507 of this chapter, and of article 230 of the penal law, and shall inform such drivers of the civil and criminal penalties associated with such facilitation, including but not limited to monetary penalties, license revocation and incarceration. Such program shall also provide information to such drivers about the resources available to assist victims of sex trafficking. Such program shall also inform such drivers that they may not refuse fares solely based on the appearance of an individual and that it is unlawful to refuse a fare based upon an individual’s actual or perceived sexual orientation or gender, whether or not an individual’s gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to an individual at birth, as set forth in chapter one of title eight of this code. Such program may be presented through live instruction, video or an interactive computer course, and shall be updated regularly to reflect changes in law or other relevant circumstances. Completion of such program shall be a requirement for initial licensure*

*and subsequent license renewal for such drivers, except that any driver who has completed such program at least once may subsequently satisfy the requirements of this subdivision, at the discretion of the commission, by reviewing written materials, to be developed by the commission, that contain the information in such program. All drivers licensed by the commission shall be required to certify that they have completed such program or received and reviewed such written materials.*

§ 4. Subdivision b of section 19-507 of the administrative code of the city of New York is amended by adding new paragraph 3 to read as follows:

*3. Any driver or vehicle owner of a vehicle licensed by the commission or base station licensee who facilitates sex trafficking with a vehicle shall be liable for a civil penalty of ten thousand dollars, and the commission shall revoke the license of such driver, the license of the vehicle used to commit such facilitation when the person who facilitated sex trafficking is the owner of such vehicle, and the license of the base station licensee when such base station licensee committed such facilitation and the vehicle used to commit such facilitation was affiliated with the base station licensed by such licensee at the time such offense was committed.*

§ 5. This local law shall take effect ninety days after its enactment into law, except that the taxi and limousine commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

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 .....June 13, 2012..... and approved by the Mayor on ....June 22, 2012.....

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 36 of 2012, Council Int. No. 725-A) contains the correct text and was passed by the New York City Council on June 13, 2012 approved by the Mayor on June 22, 2012 and returned to the City Clerk on June 22, 2012.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel