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Proposed Int. No. 2155-A

By Council Members Kallos and Rodriguez

A Local Law to amend the administrative code of the city of New York, in relation to requiring a universal mobile application to enable customers to electronically arrange transportation from taxicabs, street hail livery vehicles, for-hire vehicles, and high-volume for-hire service affiliated vehicles

Be it enacted by the Council as follows:

Section 1. Section 19-502 of the administrative code of the city of New York is amended by adding new subdivisions w-1 and w-2 to read as follows:

w-1. "Accessible taxi" means any vehicle approved for use by the commission as a taxicab that meets the specifications and requirements for accessible vehicles pursuant to the Americans with disabilities act of 1990, as amended, and rules promulgated by the commission.

w-2. "Accessible HAIL vehicle" means any vehicle approved for use by the commission as a HAIL vehicle that meets the specifications and requirements for accessible vehicles pursuant to the Americans with disabilities act of 1990, as amended, and rules promulgated by the commission.

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

4. Any driver who has been found to have violated subdivision c of section 19-557 shall be fined not less than $200 nor more than $500 for the first offense. Any driver who has been found to have violated such subdivision for a second time within a 24-month period shall be fined not less than $350 nor more than $1,000, and the commission may suspend the driver's license of such driver for a period not to exceed 30 days. Any driver who has been found in violation of such subdivision three or more times within a 36-month period shall

be fined not more than $1,000 for each such third or subsequent offense, and the commission shall revoke the driver's license of such driver.

§ 3. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-557 to read as follows:

§ 19-557 E-transportation mobile application. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Application program interface. The term "application program interface" or "API" means a software intermediary that makes it possible for application programs to interact with each other and share data.

E-transportation application. The term "e-transportation application" means a software program approved by the commission residing on a computer, smartphone, tablet computer or other mobile device with wireless internet connectivity which performs one or more of the following functions: (i) allows a passenger to identify the locations of available taxicabs, eligible HAIL vehicles, for-hire vehicles, and high-volume for-hire service affiliated vehicles in a given area and allows a driver to identify the location of a passenger who is ready to travel; (ii) allows a passenger to arrange transportation with a taxicab, eligible HAIL vehicle, for-hire vehicle, or high-volume for hire service affiliated vehicle via the electronic device; (iii) allows a driver to receive a transportation request from such a passenger; and (iv) allows customers to make electronic payments.

Payment Card Industry (PCI)-certified. The term "Payment Card Industry (PCI)-certified" means compliant with the policies and procedures developed by Visa, Master Card, Discover, American Express, and any other relevant credit or debit card companies in order to optimize the security of credit, debit, and cash card transactions.

Street hail livery technology system (L-PEP). The term "street hail livery technology system" or "L-PEP" means an integrated system of hardware and software that complies with the technical requirements set forth in the rules of the city of New York regarding such system, and provides the following core services in HAIL vehicles: (i) credit, debit, and prepaid card payment; (ii) text messaging; (iii) trip data collection and

transmission; (iv) passenger information monitor, screen, or other credit/debit card device; and (v) automatic vehicle location system and location services.

Taxicab technology system (T-PEP). The term "Taxicab technology system" or "T-PEP" means an integrated system of hardware and software that complies with the technical requirements set forth in the rules of the city of New York regarding such system and provides the following core services to taxicabs: (i) credit, debit, and prepaid card payment; (ii) text messaging; (iii) trip data collection and transmission; (iv) data transmission by means of the passenger information monitor; and (v) automatic vehicle location system and location services.

Third-party e-transportation application. The term "third-party e-transportation application" means any e-transportation application other than an e-transportation application developed or caused to be developed by the commission.

b. The commission shall develop or cause to be developed an e-transportation application to enable customers to electronically arrange transportation with taxicabs, eligible HAIL vehicles, for-hire vehicles, or high-volume for-hire service affiliated vehicles, including the ability to electronically arrange transportation with an accessible taxi or accessible HAIL vehicle. Such e-transportation application shall be the sole method to electronically arrange transportation with an accessible taxi or accessible HAIL vehicle. The T-PEP and L-PEP systems shall be the sole systems authorized by the commission for taxicabs and HAIL vehicles to receive electronic transportation requests. The commission shall approve the e-transportation application, provided it meets the following minimum criteria:

1. There shall be no charge to a passenger or driver for the use of such e-transportation application.

2. The e-transportation application shall only dispatch e-transportation requests to HAIL vehicles within the geographic boundaries set by state law for HAIL vehicle pickups.

3. The e-transportation application shall allow passengers to provide comments to the commission regarding the ride, including but not limited to, compliments and complaints, as well as allow passengers to rate

their drivers.

4. The e-transportation application shall display all available taxicabs, HAIL vehicles, for-hire vehicles, and high-volume for-hire service affiliated vehicles within a certain radius of the passenger to be determined by the commission and shall be capable of transmitting to the passenger the vehicle number and name of the driver of the first vehicle to accept the transportation arrangement, the estimated time of arrival as close to real time as feasible, and the location of the vehicle accepting the transportation arrangement.

5. All payments made through the e-transportation application for taxicab and HAIL vehicle fares shall be processed through a T-PEP or L-PEP system. The service provider may determine the method for payments made to for-hire vehicles and high-volume for-hire service affiliated vehicles.

6. The e-transportation application shall allow passengers to electronically request transportation from an accessible taxi or HAIL vehicle.

7. The e-transportation application shall be capable of allowing a driver to accept an e-transportation arrangement while the vehicle is in motion with a single touch or with voice activation. The e-transportation application must otherwise be locked while the vehicle is in motion.

c. A taxicab, HAIL vehicle, for-hire vehicle, or high-volume for-hire service affiliated vehicle driver shall not be required to accept a passenger through the e-transportation application. After a driver accepts a transportation arrangement through the e-transportation application, such driver must pick up the e-transportation passenger. Any driver found in violation of this subdivision shall be subject to penalties pursuant to paragraph 4 of subdivision b of section 19-507.

d. Upon accepting an e-transportation arrangement through the e-transportation application, the driver of a taxicab or eligible HAIL vehicle shall cause the roof light of such vehicle to indicate that such vehicle is not available for incoming passengers. Such driver shall not begin charging a fare until the passenger has been picked up.

e. A taxicab or eligible HAIL vehicle driver shall only be permitted to charge the passenger picked up

through the e-transportation application the metered rates provided by law or rule.

f. To use the e-transportation application, a passenger must create and manage an account through the e-transportation application, as well as on a website approved by the commission. Passengers shall have the option of entering payment information for credit or debit cards or other approved forms of electronic payment. The e-transportation application and website shall be capable of offering users the option to save such payment information.

g. The commission may ban passengers who it determines have misused the e- transportation application.

h. The commission, or an entity approved by the commission, shall maintain the e-transportation application and website, including compiling data on its use. Such data shall include, but need not be limited to, the number of passengers who have arranged for a taxicab, HAIL vehicle, for-hire vehicle, or high-volume for-hire service affiliated vehicle through the application and the geographic area from which each e-transportation request originates.

i. The commission shall advertise and promote the e-transportation application for no less than 30 seconds during its allotted time for public service announcements on a T-PEP or L-PEP display from 90 days prior to the e-transportation application going into service until, at a minimum, one year after the e-transportation application goes into service. The commission may adopt additional promotional methods.

j. The commission shall provide training for all drivers applying for a taxicab driver's license or for-hire vehicle driver's license to drive a HAIL vehicle on the use of the e-transportation application mandated under subdivision b of this section. Drivers must complete such training in order to receive or renew such licenses. The commission shall provide such further training for such drivers as it deems necessary.

k. Any tip or gratuity shall be provided in its entirety to the driver. A taxicab, HAIL vehicle, or for-hire vehicle base must remit to the driver the entirety of any sum designated as a tip or gratuity collected by such base from the passenger on behalf of the driver.

l. The commission shall develop an API that allows third-party e-transportation applications approved by the commission based on this section and rules of the commission to submit transportation requests for fulfillment by taxicabs, eligible HAIL vehicles, for-hire vehicles, and high-volume for-hire service affiliated vehicles through the e-transportation application. The API shall be reviewed by the commission, or an entity approved by the commission, at least once a quarter and more often as necessary to ensure that the API continues to meet the requirements of third-party e-transportation applications and to update the API if necessary to meet such requirements. Such third-party e-transportation applications:

1. May charge a fee for their use;

2. Shall not influence a passenger attempting to request e-transportation from a taxicab or eligible HAIL vehicle to use another class of for-hire vehicle;

3. Shall meet the requirements of subdivisions b through f of this section, but shall be exempt from the requirements of paragraphs 1 and 4 of subdivision b of this section; and

4. Shall be responsible for recruiting drivers and passengers, and marketing such applications.

m. The API mandated under subdivision l of this section shall, at a minimum, be capable of the following:

1. Receiving vehicle location data from T-PEP and L-PEP and transmitting such information to approved third-party e-transportation applications;

2. Receiving dispatch requests from commission-approved third-party e-transportation applications and forwarding requests to taxicabs, eligible HAIL vehicles, for-hire vehicles, and high-volume for-hire service affiliated vehicles;

3. Accepting dispatch requests and forwarding an acceptance to the e-transportation application; and

4. Securely transmitting fare payment instructions from commission-approved third-party e-transportation applications to the T-PEP or L-PEP system.

n. The commission shall create a privacy policy for the use of the API mandated under subdivision l of

this section. This privacy policy shall, at a minimum:

1. Prohibit third-party e-transportation applications from obtaining information about taxicab drivers, eligible HAIL vehicle drivers, for-hire vehicle drivers, and high-volume for-hire service affiliated vehicle drivers other than their names, commission drivers' license numbers, and vehicle numbers; and

2. Prohibit drivers from obtaining personally identifiable information about their passengers, except that a passenger may be given the option of waiving such privacy protection.

o. The following integration shall be required of T-PEP and L-PEP systems via the API mandated under subdivision l of this section, except that third-party e-transportation application developers shall not be required to use the following information:

1. Driver/medallion login information;

2. Itemized fare information; and

3. E-payments via a PCI-certified processing in order for such T-PEP and L-PEP systems to be capable of accepting from the application payment information necessary to capture the trip record and to provide a printed receipt.

p. The commission may by rule establish additional functions of the e-transportation application other than those required by and consistent with this section.

q. Notwithstanding any contrary provision of this section, black cars, luxury limousines, for-hire vehicles serving corporate accounts, and for-hire vehicles that operate without the use of a mobile application or dispatch in response to telephone call requests are exempt from appearing in the e-transportation application.

§ 4. This local law takes effect 120 days after it becomes law, except that the taxi and limousine commission shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.