



Legislation Text

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Int. No. 813-A

By Council Members Koslowitz, Freed, Henry, Marshall, Michels, Moskowitz, Reed, Linares, Quinn, Abel, Fiala, Golden and Oddo (by request of the Mayor); also Council Members Carrion, DiBrienza, Eldridge, Espada, Fisher, Leffler, Nelson, Povman and Provenzano.

A Local Law to amend the administrative code of the city of New York, in relation to authorizing the commissioner of consumer affairs to require that the engines of sight-seeing buses comply with emission standards as a condition of licensing.

Be it enacted by the Council as follows:

Section 1. Section 20-372 of the administrative code of the city of New York is amended by adding two new subdivisions 9 and 10 to read as follows:

9. "Certificate of conformity" shall mean that document issued by the Administrator of the United States environmental protection agency pursuant to section 206(a) of the Clean Air Act of 1990, 42 U.S.C. § 7525(a), reflecting such Administrator's determination that an engine conforms to emissions standards and other regulations issued under section 202 of the Clean Air Act of 1990, 42 U.S.C. § 7521 as well as the terms and the time periods prescribed thereon, and as such laws and such regulations may be amended from time to time.

10. "Fleet" shall mean a group of vehicles owned or operated by the same person.

§2. Section 20-376 of the administrative code of the city of New York is amended to read as follows:

§20-376 Inspection of sight-seeing [bus] buses. a. A vehicle shall be licensed as a sight-seeing bus only after it shall have been examined and inspected to determine that it complies with this section, and [found to comply] that it also (1) complies with all the requirements of the vehicle and traffic law of the state of New York, [and shall have been] and (2) is certified by the [public service commission] department of transportation of the state, as being safe and properly equipped to operate.

b. (1) On and after the effective date of the local law which added this amendment, the commissioner shall not issue a sight-seeing bus license to any vehicle that when originally manufactured was not equipped with an engine covered by a certificate of conformity unless an engine covered by a certificate of conformity for the model year applicable to the date on which a sight-seeing bus license application for such bus is submitted to the commissioner, has been installed in such vehicle.

(2) The commissioner shall not renew the license of any sight-seeing bus that was licensed as of the date of the introduction of the local law which added this amendment and that when originally manufactured, was not equipped with an engine covered by a certificate of conformity unless an engine covered by a certificate of conformity for a model year no earlier than the model year applicable to the date on which the local law which added this amendment was introduced, has been installed in such bus.

(3) The commissioner shall not renew the license of any sight-seeing bus that was first issued a sight-seeing bus license on or after the date of introduction of the local law that added this amendment and before the effective date of such law and that, when originally manufactured, was not equipped with an engine covered by a certificate of conformity, unless an engine covered by a certificate of conformity for a model year no earlier than the model year applicable to the date on which the first sight-seeing bus license renewal application for such bus is submitted to the commissioner, has been installed in such bus.

c. The commissioner shall refuse a license to [, or if already issued, suspend the license of] any sight-seeing bus not in compliance with the requirements of this section, any rules promulgated thereunder or with any other laws or rules governing sight-seeing buses, or which is otherwise found to be unfit for operation. Grounds for refusal to issue a license shall include, but not be limited to, installation of an engine which does not meet the requirements of subdivision b of this section, failure to submit a bus for inspection, installation of an engine not covered by a certificate of conformity in a vehicle which was originally manufactured with such an engine and installation of an engine of any model year preceding the year of manufacture in a vehicle which was originally manufactured with an engine covered by a certificate of conformity

d. The commissioner may adopt rules (1) requiring the inspection by the department of sight-seeing buses to determine compliance with the requirements of subdivision b of this section; (2) delegating the performance of such inspections to the department of environmental protection; and (3) authorizing the acceptance of the results of inspections consistent with paragraph one of this subdivision conducted by a state or federal agency authorized to conduct such inspections on such buses.

§3. Subdivision a of section 20-383 of the administrative code of the city of New York, as amended by local law number 31 for the year 1995, is amended to read as follows:

a. [The] After notice and opportunity to be heard, the commissioner may suspend or revoke any sight-seeing bus license where the holder has failed to comply with any provisions of this subchapter or of the rules promulgated [by the commissioner] thereunder, or with any other laws or rules governing sight-seeing buses, or which sight-seeing bus is otherwise found to be unfit for operations. Such suspension shall remain in effect until compliance and fitness have been established by the license and accepted by the department. Grounds for suspension or revocation shall include, but not be limited to, installation of an engine which does not meet the requirements of subdivision b of section 20-376 of this subchapter, failure to submit a bus for inspection, installation of an engine not covered by a certificate of conformity in a vehicle which was originally manufactured with such an engine and installation of an engine of any model year preceding the year of manufacture in a vehicle which was originally manufactured with an engine covered by a certificate of conformity.

§4. This local law shall take effect immediately.