



Legislation Text

File #: Int 0838-2018, **Version:** C

Int. No. 838-C

By Council Members R. Diaz, Deutsch, Cabrera, Miller, Constantinides, Torres, Koslowitz, Grodenchik, Lancman, Brannan, Williams, Gjonaj, Dromm, Koo, King, Maisel, Moya, Cohen, Rivera, Powers, Ayala and Levin

A Local Law to amend the administrative code of the city of New York, in relation to the licensing and regulation of high-volume for-hire transportation services

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 ff and gg to read as follows:

ff. Base. The term “base” has the same meaning as “for-hire base (or “base”)” in subdivision (f) of section 59B-03 of title 35 of the rules of the city of New York.

gg. High-volume for-hire service. The term “high-volume for-hire service” means an individual, partnership, limited liability company, business corporation, sole proprietorship or any combination of one or more individuals, partnerships, limited liability companies, business corporations or sole proprietorships operating under, or in affiliation with, one brand or trade name or a common brand, trade, business or operating name, that offers, facilitates or otherwise connects passengers to for-hire vehicles by prearrangement, including through one or more licensed black car bases, luxury limousine bases or livery base stations, as these terms are defined in section 51-03 of title 35 of the rules of the city of New York, utilizing software that allows a passenger or prospective passenger to arrange for transportation using a passenger-facing booking tool, including a smartphone or other electronic device, and that dispatches, or facilitates the dispatching of, 10,000 or more trips in the city in one day. Any and all bases using a common brand, trade, business or operating name will be considered together for purposes of determining whether they satisfy the definition of high-

volume for-hire service.

§ 2. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-548 to read as follows:

§ 19-548 Licensing and operation of high-volume for-hire services. a. It is unlawful for a high-volume for-hire service to operate unless licensed to do so by the commission.

b. A license to operate as a high-volume for-hire service is valid for a period of two years and the biennial fee for such license shall be set by the commission.

c. A license for a high-volume for-hire service may be issued, or renewed, in whole or in part as applicable, by the commission, if the applicant:

1. Submits a business plan that includes:

(a) The number of trips arranged or dispatched through a black car base, a luxury limousine base or a livery base station during the previous calendar year, to the extent trips were arranged or dispatched through such a base or station during the previous calendar year, and an estimate of the number of trips expected to be dispatched through a black car base, a luxury limousine base or a livery base station on a daily basis upon receipt or renewal of the said license and for the two calendar years immediately following the issuance or renewal of the said license;

(b) A projection of the number of for-hire vehicles needed to operate in accordance with the business plan of such high-volume for-hire service, and the average number of trips per vehicle that is anticipated to be provided by such service;

(c) The geographic areas in the city such high-volume for-hire service intends to serve; and

(d) Any other information the commission deems important to consider relating to the issuance or renewal of a license to operate as a high-volume for-hire service;

2. Complies with any requirement established by the commission to assess the impact of the operation of a high-volume for-hire service on the environment, including, but not limited to, providing an analysis of the

impact such service has on the following:

(a) traffic congestion;

(b) local transportation, including public transit, private motor vehicles, and other modes of transit; and

(c) noise;

3. (a) Provides a description of all deductions, including any commissions, lease fees and other charges such high-volume for-hire service proposes to charge either the for-hire vehicle owner or the driver, or both, as applicable, including an estimate of the average gross hourly earnings of a driver, based upon actual or anticipated trips and fares, and affirms that it will not charge or deduct from any for-hire vehicle owner or driver any charge that has not been filed with the commission; and

(b) Files its rates of fare with the commission; and

4. Provides trip and revenue data that includes:

(a) For each trip dispatched by a black car base, luxury limousine base or livery base station:

(1) the driver license number issued by the commission;

(2) the license number, issued by the commission, of the vehicle that fulfilled the trip request and the base or base station with which such vehicle is affiliated;

(3) the location from which each passenger is picked up and subsequently dropped off;

(4) the total number of passengers picked up and dropped off from the location referenced in subparagraph (3);

(5) the date and time such passenger is picked up;

(6) the date and time such passenger is dropped off;

(7) the total trip mileage;

(8) the date and time such trip request was made by a passenger;

(9) the itemized fare for each trip including the amount of the fare, any toll, surcharge, commission rate, other deduction and any gratuity and a breakdown of the amount such passenger paid for the trip; and

(10) the payment that each driver received for each trip or the hourly rate paid;

(b) The total amount of time a vehicle is connected to the electronic platform of a high-volume for-hire service each day;

(c) The amount of time spent each day by each vehicle transporting passengers for hire, as well as the time spent each day by such vehicle on the way to a passenger, and time spent by such vehicle between trips but not on the way to a passenger; and

(d) Other information as required by the commission.

d. The penalty for operating a high-volume for-hire service without a valid license issued by the commission is \$10,000 for each day such operation takes place, except that no such penalty shall be imposed upon a high-volume for-hire service while the initial licensing application of such service is pending and until the commission has made a determination pursuant to subdivision c of this section regarding the initial licensing of such service and communicated such determination in writing to the applicant.

§ 3. This local law takes effect 120 days after it becomes law, except that section one of this local law takes effect immediately, and provided that the taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules and the processing of applications for licenses, prior to such date and provided further that subdivision d of section 19-548 of the administrative code of the city of New York, as added by section two of this local law takes effect 180 days after this local law becomes law.

LS #5779
07/31/2018 9:14 PM