



Legislation Text

File #: Int 0727-2018, Version: A

Int. No. 727-A

By Council Members Espinal, Menchaca, Koslowitz, Chin, Yeger and Levin

A Local Law to amend the administrative code of the city of New York, in relation to strengthening the licensing requirements in the sight-seeing bus industry

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 a new subdivision 11 to read as follows:

11. "Sight-seeing bus driver" shall mean any natural person who operates a sight-seeing bus in the city of New York.

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

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 that it also (1) complies with all the requirements of the vehicle and traffic law of the state of New York, and (2) is certified by the department of transportation of the state, as being safe and properly equipped to operate, or if the department of transportation of the state determines an inspection by that department is not required, is certified by the department of motor vehicles of the state.

§ 3. Subchapter 21 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-376.2 to read as follows:

§ 20-376.2 Sight-seeing bus drivers. a. It shall be unlawful for an owner of a sight-seeing bus company to employ any person as a sight-seeing bus driver unless that person:

1. Possesses a valid commercial driver's license for the operation of such bus and is not disqualified from driving a commercial motor vehicle pursuant to federal law;

2. Has not had their commercial driver's license suspended or revoked two or more times within the past five years;

3. Has not accumulated nine or more points on their driving record for acts that occurred within an eighteen month period, except that a person may be employed as a sight-seeing bus driver if one year has passed since the end of the eighteen month period in which such points were accumulated or the person has reduced the points to less than nine through the successful completion of a motor vehicle accident prevention course; and

4. Has not been convicted of any alcohol or drug-related offense pursuant to article 31 of the vehicle and traffic law or any similar offenses under the laws of any other jurisdiction within the past three years.

b. An owner of a sight-seeing bus company is deemed to have complied with subdivision a of this section if such owner provides to the department a copy of the affidavit of compliance submitted pursuant to subdivision c of section 509-j of the vehicle and traffic law.

c. Within three business days, an owner of a sight-seeing bus company shall inform the commissioner about any accident involving one of the company's sight-seeing buses that must be reported to the state department of motor vehicles pursuant to section 605 of the vehicle and traffic law or any traffic violation committed by a driver while operating one of the company's sight-seeing buses that could be the basis for the assignment of points pursuant to section 131.3 of subchapter J of chapter I of title 15 of the compilation of codes, rules and regulations of the state of New York. An owner of a sight-seeing bus company shall inform the commissioner as soon as practicable if any driver employed by the sight-seeing bus company is charged with any alcohol or drug-related offense pursuant to article 31 of the vehicle and traffic law or any similar offense under the laws of any other jurisdiction or any criminal offense involving the operation of a motor vehicle. Such owner shall provide the identification of the sight-seeing bus driver involved in the incident, a description

of the incident, and, if available, a police report and any summonses associated with such incident.

d. An owner of a sight-seeing bus company shall register each sight-seeing bus driver employed by such company and licensed in the state of New York in the license event notification service offered by the state department of motor vehicles. Such owner shall register any driver employed by such company and licensed in any other state that offers a similar service with such other service. Such owner shall record any notification provided by the license event notification service offered by the state department of motor vehicles or other similar service in the record maintained pursuant to subdivision e of this section of the driver who is the subject of such notification.

e. An owner of a sight-seeing bus company shall maintain and update a driving record for each sight-seeing bus driver employed by such company. Such records shall be made available, either in paper or electronic form, to the department upon request, in accordance with applicable law. Such records shall include, at a minimum, the following information for the time during which the driver is employed by such company and for the five years preceding the date on which such employment began:

1. Copies of all commercial driver's licenses;
2. The expiration and renewal dates of any commercial driver's license;
3. Any order of suspension, revocation or restoration of a motor vehicle or commercial driver's license;
4. Any traffic violation that could be the basis for the assignment of points pursuant to section 131.3 of subchapter J of chapter I of title 15 of the compilation of codes, rules and regulations of the state of New York, any alcohol or drug-related offense pursuant to article 31 of the vehicle and traffic law or any similar offense under the laws of any other jurisdiction, or any criminal offense involving the operation of a motor vehicle;
5. Any traffic accidents that must be reported to the commissioner pursuant to subdivision c of this section;
6. Any completed driver training courses; and
7. Proof of passage of any physical examinations required to maintain a commercial driver's license.

f. All records required to be maintained by the owner of a sight-seeing bus company pursuant to subdivision e of this section shall be updated, at a minimum, once every two months, and shall be maintained so long as a driver is employed with such sight-seeing bus company. The owner of a sight-seeing bus company shall keep on file the records of sight-seeing bus drivers who are no longer employed by the company for a period of one year after such employees' departure. The department may promulgate rules regarding the form and manner in which such records shall be kept.

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date, and except that section two of this local law takes effect immediately.

BG/RC/BAM
LS 2398/Int. 529-2015
LS 34
6/25/2018