



Legislation Text

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Int. No. 310

By Council Members Mark-Viverito, Dromm, James, Lander, Palma, Williams and Cabrera

A Local Law to amend the administrative code of the city of New York, in relation to creating a new licensing category for alternative fuel powered classic cars.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of Title 20 of the administrative code of the city of New York is amended to add a new subchapter 33 to read as follows:

Subchapter 33

SHOW CARS

§20-540 Definitions.

§20-541 Show car license required; fee; term.

§20-542 Granting and transferring of licenses.

§20-543 License Plate.

§20-544 Inspection.

§20-545 Insurance.

§20-546 Show car driver license.

§20-547 Rates.

§20-548 Unlawful agreements by owners or show car drivers.

§20-549 Suspensions and Revocations.

§20-550 Penalties.

§20-551 Enforcement.

§20-552 Rules.

§20-540 Definitions. Whenever used in this subchapter the following terms shall mean:

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

b. "Inspection card" shall designate the card issued by the commissioner for the show car licensed, which card shall display the license number and capacity of such vehicle.

c. "Owner" shall include any person, firm, partnership, corporation or association owning and operating a show car, and shall include a purchaser under a reserve title contract, conditional sales agreement or vendor's agreement and the lessee of such vehicle or vehicles under a written lease or similar contract provided such purchaser or lessee of show car or cars shall be entitled to obtain in his or her name a license or licenses therefor from the commissioner of motor vehicles of the state of New York.

d. “Show car” shall mean a privately owned motorized vehicle designed to comfortably seat and carry no more than seven passengers, in addition to the driver, and that is constructed to resemble an antique automobile operating for hire from a fixed point in the city of New York to a place or places of interest or amusements, and shall also include a vehicle, designed as aforesaid which by oral or written contract is let and hired or otherwise engaged for its exclusive use for a specific or special trip or excursion from a starting point within the city of New York. A show car may only be driven by a licensed show car driver.

e. “Show car driver” shall include any person licensed to drive a show car in the city of New York. Every show car driver shall also be a sightseeing guide, as defined by section 20-242 of this code, and shall hold a sightseeing guide license issued pursuant to subchapter 8 of chapter 2 of this title.

f. “Show car license” shall designate the license issued by the commissioner for each show car.

§20-541 Show car license required; fee; term. a. It shall be unlawful to operate or permit another to operate for hire a show car within the city unless the owner shall have first obtained a show car license therefor from the commissioner.

b. Fees. The annual license fee for each show car or renewal of such license shall be fifty dollars.

c. Term. All licenses issued pursuant to this subchapter shall be valid for one year unless sooner suspended or revoked.

d. The commissioner shall not issue more than sixty-eight show car licenses at any one time. The initial issuance of these show car licenses shall be phased in over a three-year period. During the first year of license availability, the commissioner shall not issue more than twenty-four show car licenses. During the second year of availability, the commissioner may issue up to twenty-four show car licenses in addition to the licenses issued during the first year of availability. During the third year of availability, the commissioner may issue up to twenty show car licenses in addition to the licenses issued the during the first two years of availability. Thereafter, the maximum number of show car licenses which may be in effect shall not exceed sixty-eight and no new licenses shall be issued in excess of such number.

e. After the initial issuance of such show car licenses, the commissioner shall establish a waiting list to be administered in accordance with procedures to be established by rules of the commissioner. The commissioner may by rule limit the number of places on such waiting list.

§20-542 Granting and transferring of show car licenses. a. Any person, firm, partnership, corporation or association, owning or operating a show car, or cars engaging in the business of transporting passengers in, about, over and upon any of the streets, avenues, bridges, highways, boulevards or public places within the limits of the city of New York, shall be issued a show car license for each show car so operating.

b. In order to obtain, amend or renew a show car license, an applicant must provide the commissioner with the following:

1. Proof that there is in force for the full license term a policy of public liability and property damage insurance that meets the requirements of section 20-545 of this subchapter;

2. Proof of current, valid registration for the show car issued by the department of motor vehicles of the state of New York.

3. Such other information as the commissioner may require to establish the applicant's eligibility for a show car license under this subchapter.

c. A show car license shall be valid only for the person, firm, partnership, corporation or association in whose name it is issued.

d. It shall be unlawful for a person to whom a show car license has been issued to transfer any interest in such license to any other person unless:

1. the show car complies with all applicable requirements imposed by this subchapter; and

2. the commissioner approves such transfer.

§20-543 **License Plate.** Upon the payment of the license fee the commissioner shall issue a show car license to the owner of the show car together with a license plate to be securely affixed to a conspicuous and indispensable part of such show car, on which shall be clearly set forth the license number of such show car. The license plate issued to the licensee may, in the discretion of the commissioner, be a plate of a permanent nature with a replaceable date tag attached thereto, indicating the expiration date of the plate during each license year and the issuance of such a plate with such date tag to a person possessing such a plate, shall be deemed issuance of a license plate. Such license plate and the replaceable date tag shall be of such material, form, design and dimension and set forth such distinguishing number or other identification marks as the commissioner shall prescribe. The commissioner, upon renewal of the license hereunder, may continue the use of the license plate for as many additional license years as he or she in his or her discretion may determine. In such event, he or she shall issue and deliver to the licensee a replaceable date tag as evidence of renewal of the license, which shall be attached or affixed in such manner as he or she may prescribe by rule. The failure to affix or display such date tag in the manner prescribed by the commissioner shall constitute a violation of this section. In the event of the loss, mutilation or destruction of any license plate or date tag issued hereunder, the owner shall file such statement and proof of facts as the commissioner shall require, with a fee of twenty-five dollars, and the department shall issue a duplicate or substitute license plate or date tag.

§20-544 **Inspection of show cars.** a. A vehicle shall be licensed as a show car 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 motor vehicles of the state of New York, as being safe and properly equipped to operate.

b. The commissioner shall refuse a show car license to any show car not in compliance with the requirements of this section, any rules promulgated thereunder or with any other laws or rules governing show cars, or which is otherwise found to be unfit for operation. Grounds for refusal to issue a show car license shall include, but not be limited to, failure to submit a show car or records pertaining to the operation and maintenance of such show car for inspection, and being found to have violated the requirements for the purchase of cleaner light-duty and medium-duty vehicles contained in section 24-163.1 of the administrative code.

c. The commissioner shall not issue a show car license to a vehicle unless such vehicle meets the California LEV II standard for the highest possible vehicle rating that meets the requirements for the intended use. All vehicles issued show car licenses shall be classified zero emission vehicle (ZEV), advanced technology partial zero emission vehicle (ATPZEV), partial zero emission vehicle (PZEV), or super ultra low emission vehicle (SULEV), with ZEV constituting the highest vehicle rating.

d. The commissioner may adopt rules (1) requiring the inspection by the department of show cars and/or records pertaining to the operation and maintenance of such show cars to determine compliance with the requirements of section 24-163.1 of the administrative code; (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 show cars.

§20-545 **Insurance.** a. As a condition of the issuance of a show car license, each applicant shall furnish proof that such show car is insured under a public liability and property damage insurance policy or indemnity bond with minimum coverage as stated in section 370 of the vehicle and traffic law of the state of

New York and any successor provision thereto.

b. The licensee shall notify the commissioner of any modification, amendment, cancellation or substitution of any insurance policy required under subdivision a of this section within ten days of notice to the licensee of such modification, amendment, cancellation or substitution.

§20-546 **Show car driver license.** a. It shall be unlawful for a show car driver to operate a show car unless the show car driver shall have first obtained a show car driver license from the commissioner.

b. It shall be unlawful for a show car owner to permit the operation of any show cars owned by it by a person who does not have a show car driver license and a motor vehicle driver's license in full force and effect.

c. In order to obtain or renew a show car driver license, a show car driver shall file an application with the commissioner for such show car driver license. Such application shall be made upon such form as prescribed by the commissioner and shall contain such information as the commissioner may require to establish the applicant's eligibility for a show car driver license under this subchapter.

d. To be eligible for a show car driver license, an applicant shall:

1. be at least eighteen years of age;
2. possess a currently valid motor vehicle driver's license;
3. not have his or her New York State motor vehicle driver's license suspended or revoked;
4. be licensed as a sightseeing guide pursuant to subchapter 8 of chapter two of this code; and
5. meet such fitness requirements as the commissioner may determine by rule.

e. A show car driver license shall be valid for a term of one year. There shall be a fee of thirty-five dollars for such license. The commissioner shall establish the expiration date for such license by rule.

§20-547 **Rates.** a. The amount to be charged and collected for the use of a show car by one or more passengers shall be twenty dollars per passenger for the first half hour or fraction thereof and ten dollars per passenger for each additional fifteen minutes thereafter.

b. The basis for calculating the amount of the charge for the use of a show car shall be displayed on the

show car at all times.

c. It shall be unlawful for a show car driver to charge a passenger more than the amount or rate displayed on the show car.

§20-548 **Unlawful agreements by owners or show car drivers.** It shall be unlawful for any show car owner or any show car driver to have or make any contract or agreement with any owner of any hotel, apartment house, restaurant, or café or the agent or employee of such places, by which such owner or such driver shall agree to solicit the patronage of any passenger for any such hotel, apartment house, restaurant or café.

§20-549 **Suspensions and Revocations.** a. After notice and opportunity to be heard, the commissioner may suspend or revoke any show car license where the holder has failed to comply with any provisions of this subchapter or of the rules promulgated thereunder, or with any other laws or rules governing show cars, or which show car is otherwise found to be unfit for operation. Such suspension shall remain in effect until compliance and fitness have been established by the licensee and accepted by the department.

b. Grounds for suspension or revocation of a show car license shall include, but not be limited to:

1. the occurrence of fraud, misrepresentation, or false statements contained in the application for such license;

2. being found to have violated the requirements for the purchase of cleaner light-duty and medium-duty vehicles contained in section 24-163.1 of the administrative code

3. the operation of a show car, owned by the show car business, by a show car driver who does not have in full force and effect a show car driver license and a motor vehicle driver's license;

4. the operation of a show car that has not been inspected pursuant to section 20-544 of this subchapter;
or

5. the operation of a show car that does not have affixed to it a license plate as required by section 20-

543 of this subchapter; or

6. violation by a show car business of any of the provisions of chapter one of this title, provisions of this subchapter, rules promulgated pursuant to this subchapter, or any other law applicable to the operation of a show car business.

c. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title, the commissioner, after due notice and an opportunity to be heard, may suspend or revoke a show car driver license upon the occurrence of any one or more of the following conditions:

1. the occurrence of fraud, misrepresentation, or false statements contained in the application for such license;

2. the operation of a show car that has not been inspected pursuant to section 20-544 of this subchapter;
or

3. the operation of a show car that does not have affixed to it a license plate as required by section 20-544 of this subchapter; or

4. the violation by a show car driver of any of the provisions of chapter one of this title, provisions of this subchapter, rules promulgated pursuant to this subchapter, or of any other law applicable to the operation of a show car by such show car driver.

d. Notwithstanding subdivision c of this section, upon the occurrence of any of the provisions set forth in subdivision c of this section, if the commissioner determines that continued possession by a show car driver of a show car driver license would pose an exigent danger to the public, the commissioner may suspend such show car driver license, subject to a prompt post-suspension hearing.

§20-550 **Penalties.** a. It is a traffic infraction to violate any provision of this subchapter and such traffic infractions shall be punishable in accordance with subsection c of section eighteen hundred of the New York state vehicle and traffic law.

b. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty that shall not be: (1) less than two hundred nor more than five hundred dollars for the first violation and for each additional violation committed on the same day; (2) less than five hundred nor more than one thousand dollars for the second violation committed, and each additional violation committed on the same day, within a one year period; (3) less than one thousand nor more than four thousand dollars for the third violation committed, and each additional violation committed on the same day, within a one year period. The show car business that authorizes the operation of such show car shall be jointly and severally liable with the show car driver thereof, for the penalties imposed by this section.

c. A violation of section 20-541 or 20-546 of this subchapter or any rules promulgated thereunder shall constitute a violation punishable by a fine of not more than five hundred dollars or imprisonment of up to fifteen days, or by both such fine and imprisonment.

d. The penalties provided by subdivisions a, b, and c of this section shall be in addition to any other penalty imposed by any other provision of law or rule promulgated thereunder.

§20-551 **Enforcement.** Authorized officers and employees of the department, the police department and any department designated by the commissioner, and any police or peace officer shall have the power to enforce any provision of this subchapter or any rule promulgated pursuant to this subchapter.

§20-552 **Rules.** The commissioner may make and promulgate such rules and prescribe such forms as are necessary to carry out the provisions of this subchapter.

§2. This local law shall take effect one hundred twenty days after its enactment into law provided, however, that the commissioner of consumer affairs shall take any actions necessary prior to such effective date including, but not limited to, the adoption of any necessary rules.

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