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Title: A Local Law to amend the administrative code of the city of New York, in relation to the operation of horse drawn carriages and to replace the horse drawn carriage industry with a horseless electric carriage program, and to repeal sections 17-334.1, 19-174, subdivision c of section 20-374, sections 20-377, 20-377.1, 20-380, 20-381, 20-381.1, 20-381.2, 20-382 and subdivisions b, c, and d of section 20-383 of the administrative code of the city of New York, relating to the regulation of horses used in the operation of a horse drawn cab and horse drawn cabs

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Indexes: Agency Rule-making Required

Attachments: 1. Summary of Int. No. 573, 2. Int. No. 573, 3. July 14, 2022 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 7-14-22, 5. Minutes of the Stated Meeting - July 14, 2022

Date	Ver.	Action By	Action	Result
7/14/2022	*	City Council	Introduced by Council	
7/14/2022	*	City Council	Referred to Comm by Council	
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Int. No. 573

By Council Members Holden, Bottcher, Cabán, Joseph, Powers, Marte, Ariola, Hanif, Richardson Jordan, Gutiérrez, Sanchez, Salamanca, Nurse, Won, Krishnan, Hudson, Restler, Ossé and Kagan

A Local Law to amend the administrative code of the city of New York, in relation to the operation of horse drawn carriages and to replace the horse drawn carriage industry with a horseless electric carriage program, and to repeal sections 17-334.1, 19-174, subdivision c of section 20-374, sections 20-377, 20-377.1, 20-380, 20-381, 20-381.1, 20-381.2, 20-382 and subdivisions b, c, and d of section 20-383 of the administrative code of the city of New York, relating to the regulation of horses used in the operation of a horse drawn cab and horse drawn cabs

Be it enacted by the Council as follows:

§ 1. Section 17-326 of the administrative code of the city of New York, as amended by local law number 203 for year 2019, is amended to read as follows:

§ 17-326 Definitions. Whenever used in this subchapter, the following terms have the following meanings:

ASPCA. The term "ASPCA" means the American Society for the Prevention of Cruelty to Animals.

[Carriage horse. The term "carriage horse" means any horse which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this subchapter. A horse used for any other purpose shall not be deemed to be a carriage horse for the purposes of this subchapter.

Equine heat index. The term "equine heat index" means the sum of the air temperature, in degrees Fahrenheit, and the relative humidity at a particular point in time.]

Owner. The term "owner" means the owner of a horse which is required to be licensed pursuant to this subchapter and the owner of a rental horse business in which such horse is used.

Person. The term "person" means an individual, partnership, corporation, association or other legal entity.

[Relative humidity. The term "relative humidity" means the value, expressed as a percentage, determined by a device designed to measure relative humidity.]

Rental horse. The term "rental horse" means a horse which is used in a rental horse business.

Rental horse business. The term "rental horse business" means a business enterprise which provides or offers the use of a horse to the public for a fee for the purpose of riding [or drawing a horse drawn vehicle or which operates a horse drawn vehicle for hire such as a horse drawn cab].

Riding horse. The term "riding horse" means a horse which is available to the public for a fee for the purpose of riding.

Stable. The term "stable" means any place, establishment or facility where one or more rental horses are housed or maintained.

Under tack. The term "under tack" means that a horse is equipped for riding or driving.

Veterinarian. The term "veterinarian" means a person licensed to practice veterinary medicine in the state of New York.

Work. A horse is considered to be at "work" when it is out of its stable and presented to the public as being available for riding, [pulling carriages, vehicles or other devices,] or when it is saddled [or in harness] or when it is being ridden [or is pulling a carriage, vehicle or device].

§ 2. Subdivisions b and e of section 17-327 of the administrative code of the city of New York, and subdivision d of such section, as amended by local law number 80 for the year 2020, is amended and new subdivision f is added to read as follows:

b. A license shall be issued for a term of one year from the date of issuance thereof and shall be renewed prior to the expiration of such term; provided, however, that no new applications for licenses for a horse used in the operation of a horse drawn cab shall be accepted after the enactment date of the local law that added this section and any licenses valid on that date shall be eligible for renewal for a limited term and shall expire on June 1, 2024.

d. Application for a license or the renewal of a license shall be made to the department of health and mental hygiene. Such application shall contain the name and address of the owner of the horse and of the owner of the rental horse business in which such horse is to be used if such person is not the owner of the horse, the age, sex, color, markings and any other identifying marks such as brands or tattoos of the horse, the location of the stable where the horse is to be kept and any other information which the commissioner of health and mental hygiene may require. An application with respect to a horse which is used in the operation of a "horse drawn cab" [as defined in subchapter twenty-one of chapter two of title twenty of this code] shall include the identification number required to be inscribed on such [horses] horse's hoof pursuant to the rules and regulations of the department [of consumer affairs]. The application shall be accompanied by the license or renewal fee.

e. No license shall be transferable. 1. Upon the transfer of ownership of any horse to a new owner, the new owner shall obtain a license for such horse within fifteen days after the date of the transfer of ownership; provided, however that a license for a horse used in the operation of a horse drawn cab shall be surrendered to the commissioner by the former owner. Notwithstanding subdivision b, a new owner shall be eligible for a license for horse used in the operation of horse drawn cab and for the renewal of such license, provided that such license shall expire on June 1, 2024.

2. Holders of licenses for horses used in the operation of horse drawn cabs who retain such a license and are eligible for renewal pursuant to subdivision b shall be permitted to substitute or replace a licensed horse that is lame, suffers from a physical condition or other illness making it unsuitable for work, or that retires, with another licensed horse, and maintain the number of licenses for a horse or horses used in the operation of horse drawn cabs that such licensee holds, provided that such licensee has complied with the requirements of section 17-329.

f. The commissioner may promulgate such rules and regulations as are necessary to implement the provisions of this section.

§ 3. Section 17-329 of the administrative code of the city of New York is amended to read as follows:

§ 17-329 Disposition of licensed horse. a. The owner of a licensed horse shall notify the department [shall be notified] of the [transfer of ownership or other] proposed disposition of a licensed horse [within ten] at least 5 days [thereafter] prior to the proposed disposition. Such notice shall include the date of the proposed disposition and [if sold in New York city,] the name [and], address and telephone number of the prospective buyer or other transferee, the certification required pursuant to subdivision b of this section, and such other information as the commissioner may prescribe.

b. A licensed horse shall not be [sold or] disposed of except in a humane manner, which, for the purposes of this subchapter, shall mean a licensed horse may not be sold or otherwise transferred to an individual or organization for purposes of slaughter, resale for slaughter, or holding or transport for slaughter.

The owner of a licensed horse shall provide a statement in a form prescribed by the commissioner certifying that such horse will be sold or otherwise transferred not for purposes of slaughter, resale for slaughter, or holding or transport for slaughter or any other inhumane purpose.

§ 4. Section 17-330 of the administrative code of the city of New York, as added by local law number 2 for the year 1994, and subdivision b, c, g, l, n, p, q, and r of such section as amended by local law number 10 for the year 2010, subdivision j of such section as amended by local law number 80 for the year 2020, and subdivision o as amended by local law number 203 for the year 2019, is amended to read as follows:

§ 17-330 Regulations. a. The commissioner, with the advice of the advisory board as hereinafter established, shall promulgate such regulations as are necessary to carry out the provisions of this subchapter and to promote the health, safety and well being of the horses which are required to be licensed hereunder and of members of the public who hire such horses.

b. [1.] Horses shall not be left untethered or unattended except when confined in a stable or other enclosure. When tethered, all horses shall be secured by the use of a rope attached to the halter, not to the bit or bridle.

[2. Horse bridles and halters shall be used on carriage horses at all times when operating a carriage.]

c. [Standing stalls for carriage horses shall be sixty square feet or larger, with a minimum width of seven feet, and shall be configured to permit a carriage horse to turn around and safely lay down within the stall.] Horses shall be un-tied when stabled. A halter shall be on the horse or hung outside each stall at all times.

d. Horses shall be adequately quartered. Stables and stalls shall be clean and dry and sufficient bedding of straw, shavings or other suitable materials shall be furnished and changed as often as necessary to maintain them in a clean and dry condition. Adequate heating and ventilation shall be maintained in stables as prescribed by the commissioner.

e. Owners shall insure that appropriate and sufficient food and drinking water are available for each horse and that while working each horse is permitted to eat and drink at reasonable intervals.

f. Owners shall not allow a horse to be worked on a public highway, path or street during adverse weather or other dangerous conditions which are a threat to the health or safety of the horse. A horse being worked when such conditions develop shall be immediately returned to the stable by the most direct route.

g. [1. Carriage horses shall not be at work for more than nine hours in any continuous twenty-four hour period.] Riding horses shall not be at work for more than eight hours in any continuous twenty-four hour period. Rest periods for [carriage horses and] riding horses shall be of such duration and at such intervals as the commissioner shall prescribe[, but rest periods for carriage horses shall in no event be for less than fifteen minutes after each two hour working period, and the time of such rest period shall be included in calculating the number of hours the horse has worked in any twenty-four hour period. During such rest periods, the person in charge of such carriage horses shall make fresh water available to the horse.

2. Carriage horses shall receive no less than five weeks of vacation or furlough every twelve months at a horse stable facility which allows daily access to paddock or pasture turnout. Proof of such vacation or furlough shall be provided upon request to the department and/or the ASPCA.]

h. [Carriage horses shall not be driven at a pace faster than a trot.] Riding horses may be ridden at a canter but shall not be galloped.

i. Horses shall be suitably trimmed or shod, and saddles, bridles, bits, road harnesses and any other equipment used on or with a horse at work shall be maintained and properly fitted as prescribed by regulation of the commissioner.

j. Stables in which horses used in a rental horse business are kept shall be open for inspection by authorized officers, veterinarians and employees of the department, and any persons designated by the commissioner to enforce the provisions of this subchapter, agents of the ASPCA, police officers, and employees of the department of consumer and worker protection.

k. An owner shall be jointly liable with the person to whom a horse is rented for any violation of this subchapter or of any regulations promulgated hereunder committed by such person if the owner had knowledge

or notice of the act which gave rise to the violation at the time of or prior to its occurrence or under the circumstances should have had knowledge or notice of such act and did not attempt to prevent it from occurring.

l. An owner of a rental horse business shall keep such records as the commissioner of health shall prescribe including but not limited to a consecutive daily record of the movements of each licensed horse including the driver's name and identification number, if applicable, rider's name, the horse's identification number, vehicle license plate number, if applicable, time of leaving stable and time of return to stable. An owner of a rental horse business shall also keep written protocols for emergencies, including but not limited to primary and secondary emergency contact information for each horse owner and insurance company information, if applicable. Such records shall be kept on the premises of the stable where the horses are kept and shall be available for inspection. The commissioner may, in his or her discretion, require a time clock, date stamp or time stamp where such commissioner believes it is appropriate.

m. A horse required to be licensed pursuant to this subchapter which is lame or suffers from a physical condition or illness making it unsuitable for work may be ordered to be removed from work by the commissioner or his or her designee or by an agent of the ASPCA or a veterinarian employed or retained by such commissioner or ASPCA to inspect licensed horses. A horse for which such an order has been issued shall not be returned to work until it has recovered from the condition which caused the issuance of the order or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. In any proceeding, under this section it shall be presumed that a horse which is found at work within [forty-eight] 48 hours after the issuance of an order of removal and which is disabled by the same condition which caused such order to be issued has been returned to work in violation of this section. Such presumption may be rebutted by offering a certificate of a veterinarian indicating suitability to return to work prior to the expiration of the forty-eight hour period.

n. Every horse required to be licensed hereunder shall be examined by a veterinarian prior to its use in a

rental horse business, at time of each license renewal, and thereafter at intervals of not less than four months and not greater than eight months. The examination shall include the general physical condition of the horse, its teeth, hoofs and shoes, its stamina and physical ability to perform the work or duties required of it, and whether it is current on vaccinations, including those for rabies, Eastern/Western equine encephalitis, West Nile virus, Rhinopneumonitis virus, and tetanus, or any other vaccinations the Commissioner may require by rule. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or humane correction or disposition of the same. A signed health certificate by the examining veterinarian shall be maintained at the stable premises at which such horse is located and shall be displayed on the outside of [the] such horse's individual stall. An original of said certificate shall be mailed by the examining veterinarian to the department.

[o. 1. Carriage horses shall not be worked whenever the air temperature is 18 degrees fahrenheit or below.

2. Carriage horses shall not be worked whenever (i) the air temperature is 90 degrees Fahrenheit or above, or (ii) the air temperature is 80 degrees Fahrenheit or above and the equine heat index is 150 or above.

3. For purposes of this subdivision, air temperatures shall be those measured by a state-of-the-art thermometer, as determined by the commissioner. Relative humidity shall be determined by a state-of-the-art hygrometer or any other device having the same capability to measure relative humidity, as determined by the commissioner. Air temperatures and relative humidity shall be measured by the commissioner or the commissioner's designee at street level at one of the stands designated pursuant to section 19-174.

4. If either of the limits set by paragraph 2 of this subdivision are exceeded during the course of a particular ride, at the ride's conclusion, but no later than one-half hour after either of these limits are exceeded, the operator must immediately cease working, move the horse to an area of shelter, where available, rest the horse and then walk it directly to its stable. All horses so returned to their stable must be unbridled and unharnessed and remain at the stable for at least one hour, and thereafter, until such time as the weather

conditions shall once again reach acceptable limits.

5. No violation of this subdivision shall occur unless a written warning of violation is first issued by the authorized enforcement personnel to the operator advising that either of the limits set in paragraph 2 of this subdivision have been exceeded and directing that the operator cease working a carriage horse in accordance with the provisions of this subdivision. A violation of this subdivision may be issued if an operator fails to comply with the direction contained in the written warning of violation. Failure to comply with such direction shall not be construed as a separate violation.

p. Every carriage horse required to be licensed hereunder shall be equipped with a manure catching device. Such devices shall be affixed or attached to the carriage and shall at no time be affixed or attached to the horse.

q. Carriage horses shall not be younger than five years at the time placed into service in any rental horse business and licensed. No carriage horse older than 26 years of age shall be licensed to work in a rental horse business. Acceptable proof of age shall include a signed letter from a licensed veterinarian stating the horse's age, a certificate from an officially recognized national registry of horses stating the horse's age, or another industry approved method of certifying age.

r. Owners shall insure that during the months of November through April every carriage is equipped with a heavy winter horse blanket large enough to cover the horse from crest of neck to top of rump. Such blankets shall be used to cover carriage horses in cold weather. Waterproof horse blankets of a lighter material shall be provided at all times to cover the horse from withers to tail during periods of wet weather when the air temperature is 55 degrees or below.]

§ 5. Paragraph 1 of subdivision a of section 17-331 of title 17 of the administrative code of the city of New York is amended to read as follows:

1. Two members shall be appointed from among the owners of rental horse businesses operating within the city, [one of whom] who shall be representative of the interests of owners of riding horses[and one of

whom shall be representative of the interests of owners of carriage horses].

§ 6. Section 17-334 of title 17 of the administrative code of the city of New York, and subdivision a of such section as amended by local law 80 for the year 2020, is amended to read as follows:

§ 17-334 Construction. a. [The provisions of this subchapter shall not be construed to supersede or affect any of the provisions of subchapter twenty-one of chapter two of title twenty of the code relating to a "horse drawn cab" as defined therein or any of the regulations of the commissioner of consumer and worker protection promulgated thereunder.

b.] The provisions of this subchapter shall not be construed to permit the possession or use of a horse in any area where such possession or use is prohibited by any other law, rule or regulation.

[c] b. The provisions of this subchapter shall not be construed to prohibit the ASPCA or the department from enforcing any provision of law, rule or regulation relating to the humane treatment of animals with respect to any horse regardless of whether such horse is required to be licensed pursuant to the provisions of this subchapter.

§ 7. Section 17-334.1 of the administrative code of the city of New York is REPEALED.

§ 8. Section 19-174 of the administrative code of the city of New York is REPEALED.

§ 9. Section 20-371 of title 20 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:

§ 20-371 Licensing of sight-seeing buses[, horse drawn cabs and horse drawn cab drivers]. Legislative findings. The legislative findings heretofore made in relation to the business of sight-seeing buses [and horse drawn cabs] in the city of New York and set forth in local law number [ten] 10 of [nineteen hundred sixty-four] 1964 continue to be valid; such businesses are vested with a public interest and their regulation and control continue to be necessary and essential in order to cope with certain evils and hazards which existed in the absence of governmental supervision. The supervision formerly was reposed in the police commissioner, but recent experience and study indicate that jurisdiction over such businesses should be transferred to the

commissioner. [It is further found that the present number of horse drawn cabs licensed in the city of New York is adequate to meet the public need and demand and should be preserved, unless the commissioner finds that additional licenses are necessary and advisable.]

§ 10. Section 20-372 of title 20 of the administrative code of the city of New York, as amended by local law number 31 for the year 1995, and subdivisions 9 and 10 of such section as amended by local law number 3 for the year 2001, and subdivision 11 of such section as amended by local law number 176 for the year 2018, is amended to read as follows:

§ 20-372 Definitions. Whenever used in this subchapter, the following terms shall mean:

1. "Owner" shall include any person, firm, partnership, corporation or association owning and operating a sight-seeing bus or buses, [or horse drawn cab or cabs] 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 sight-seeing bus or buses 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.

2. "Sight-seeing bus license" shall designate the license issued by the commissioner for each sight-seeing bus.

3. "Inspection card" shall designate the card issued by the commissioner for the sight-seeing bus licensed [or horse drawn cab licensed], which card shall display the license number and capacity of such vehicle.

4. "Sight-seeing bus" shall mean a motor vehicle designed to comfortably seat and carry eight or more passengers 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.

[5. "Horse drawn cab" shall mean a horse drawn vehicle operating for hire, so designed and constructed to comfortably seat not more than four adults, or two adults and four children, each of whom is under twelve years of age, or three adults and two children, each of whom is under twelve years of age, in the interior thereof.

6. "Horse drawn cab driver" shall include any person licensed to drive a horse drawn cab in the city of New York.

7. "Horse drawn cab license" shall designate the license issued by the commissioner for each horse drawn cab.

8. "Horse drawn cab driver's license" shall designate the license issued by the commissioner for a driver of a horse drawn cab.]

[9] 5. "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] 6. "Fleet" shall mean a group of vehicles owned or operated by the same person.

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

§ 11. Section 20-373 of the administrative code of the city of New York, and subdivision d of such section as added by local law number 2 for the year 1994, is amended to read as follows:

§ 20-373 License required; fee; term. a. It shall be unlawful to operate or permit another to operate for hire a sight-seeing bus [or horse-drawn cab] within the city unless the owner shall have first obtained a license therefor from the commissioner. [An applicant for a horse-drawn cab license shall be at least eighteen years of

age.]

b. Fees. The original and renewal license fee for each sight-seeing bus shall be fifty dollars [and for each horse-drawn cab shall be fifty dollars].

[c. The commissioner shall not renew any horse-drawn cab license in the event that he or she shall determine that the horse-drawn cab has not been operated for at least four months during the preceding license year, provided that such failure to operate shall not have been caused by strike, riot, war or other public catastrophe. However, in the event that it is shown to the commissioner by competent proof that the licensee has been disabled through illness or has been unable to operate the horse-drawn cab because of other cause beyond his or her control, the commissioner may renew such license.

d. The commissioner may refuse to renew any horse drawn cab license in the event that he or she determines that the holder of the horse drawn cab license has demonstrated a disregard for the provisions of this subchapter as illustrated by repeated violations of such provisions.]

§ 12. Section 20-374 of the administrative code, and subdivisions d and e of such section as added by local law number 175 for the year 2018, is amended to read as follows:

§ 20-374 Granting and transferring of licenses. a. Any person, firm, partnership, corporation or association, owning or operating a sight-seeing bus, or buses [, or horse-drawn cab, or cabs] 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 license for each bus [or cab] so operating, provided, however any such person, firm, partnership, corporation or association owning or operating a sight-seeing bus or buses shall first have obtained a license or licenses, as he or she shall be entitled to receive from the commissioner of motor vehicles of the state of New York as made and provided by law.

b. It shall be unlawful for a license, after being issued by the commissioner, to be transferred to any person, firm, partnership, corporation or association [for any cause whatsoever, except that licenses for horse-drawn cabs may be transferred with the approval of the commissioner. Upon voluntary sale or transfer of a

licensed horse-drawn cab by the holder of a license or his or her legal representative, the licensee shall immediately notify the commissioner of his or her intention to replace such horse-drawn cab, or shall surrender his or her license. If the license is surrendered, the vendee or transferee may make application to the commissioner for the licensing of the horsedrawn cab so purchased. A new license shall then be issued by the commissioner in place of the license so surrendered, provided the applicant has demonstrated to the satisfaction of the commissioner that he or she is qualified to assume the duties and obligations of a horse-drawn cab license.]

[c. The commissioner shall issue additional licenses only after conducting a public hearing to determine whether the public convenience, welfare and necessity require the operation of additional horse-drawn cabs. The public hearing shall be called upon his or her own motion or upon written request by any applicant. Notice of such public hearing shall be published in the City Record once a week for two consecutive weeks and shall be mailed to all current licensees. If the commissioner shall determine that additional horse-drawn cabs are necessary and advisable, he or she shall certify the number of new licenses to be granted. Not more than one such public hearing shall be held during any calendar year and the commissioner may refuse to consider any request if it appears that a recent public hearing has adequately considered the question. In making his or her determination, the commissioner shall consider among other things, the income of the driver, the income of the owner, the effect upon traffic, and the public demand. The new licenses which are granted shall be allocated to the then existent licensees in the ratio of the number of licenses held by the licensee to the total number of licenses issued and in effect. If a licensee does not accept his or her allotted number within sixty days, his or her additional licenses shall be allocated in the same manner among the remaining licensees. If the number of additional licenses authorized is insufficient to permit such allocation, then the distribution among those licensees entitled to the smallest number of additional licenses shall be made so that priority shall be given to those who have been uninterruptedly licensed for the longest period. New applicants for such additional licenses shall be considered only when the present licensees refuse to accept their allocation of licenses in the

manner provided above. The distribution of such additional licenses to new applicants shall be in the order of their filing, provided however that each new applicant shall not be entitled to more than one such additional license until each new applicant who has filed at the time of distribution and who is otherwise eligible has received one license.]

[d] c. An owner of a sight-seeing bus company applying for or renewing a license issued pursuant to subdivision a of this section shall first obtain written authorization from the commissioner of transportation for all designated on-street bus stops for the pickup and discharge of passengers in order to be eligible for the issuance or renewal of such license. Sight-seeing bus owners shall, in the event that a written authorization required by this subdivision is modified or revoked by the commissioner of transportation, notify the commissioner within five days of receiving notice of such modification or revocation.

[e] d. An owner of a sight-seeing bus company that does not have a written authorization from the commissioner of transportation because such sight-seeing bus company does not require on-street bus stops for its operations, shall provide the department with information on whether (i) such sight-seeing bus company engages in the pickup or discharge of passengers at various locations in the city, and if so, then (ii) such owner of a sight-seeing bus company shall provide to the department a list of all such passenger pick up and discharge locations.

§ 13. Subchapter 21 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-374.1 to read as follows:

§ 20-374.1. Horse drawn cab licenses and license plates. Notwithstanding sections 20-374 and 20-375, no further licenses for horse drawn cabs shall be issued nor applications for such license accepted after the enactment date of the local law that added this section and any licenses valid on that date shall be renewed for a limited term until June 1, 2024.

§ 14. Section 20-375 of the administrative code of the city of New York, as amended by local law number 2 for the year 1994, is amended to read as follows:

§ 20-375 License plate. Upon the payment of the license fee the commissioner shall issue a license to the owner of the sightseeing bus [or horse drawn cab] together with a license plate to be securely affixed to a conspicuous and indispensable part of such sightseeing bus [or securely and conspicuously affixed to the rear axle of such horse drawn cab], on which shall be clearly set forth the license number of such sightseeing bus [or horse drawn cab]. 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 to be issued from year to year to be attached thereto, 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 which 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 a 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 may file such statement and proof of facts as the commissioner shall require, with a fee of twenty-five dollars, at the department, and the department shall issue a duplicate or substitute license plate or date tag.

§ 15. Sections 20-377 and 20-377.1 of the administrative code of the city of New York are REPEALED.

§ 16. Section 20-378 of the administrative code of the city of New York is amended to read as follows:

§ 20-378 Periodic inspection. The license department shall cause all sight-seeing buses [and horse-drawn cabs] now, or hereafter licensed, to be inspected at least once every four months. The date of such inspection and the signature of the person making the inspection shall be recorded upon the inspection card in the spaces provided therefor.

§ 17. Section 20-379 of the administrative code of the city of New York is amended to read as follows:

§ 20-379 Form of inspection card. The commissioner shall prescribe an appropriate form of inspection card for sight-seeing buses [and horse-drawn cabs] and the manner in which such card and the sight-seeing bus driver's [and horse-drawn cab driver's] identification cards shall be displayed.

§ 18. Sections 20-380, 20-381, 20-381.1, 20-381.2, 20-382m and subdivisions b, c, and d of section 20-383 of the administrative code of the city of New York are REPEALED.

§ 19. Subdivision 20-381 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. No further horse drawn cab driver's licenses shall be issued nor applications for such license accepted after the enactment date of the local law that added this section and any licenses valid on that date shall be renewed for a limited term until June 1, 2024.

§ 20. Section 24-330 of the administrative code of the city of New York is amended to read as follows:

§ 24-330 Watering horses. a. Within the city, all publicly owned watering troughs, and those erected or maintained by the American Society for the prevention of cruelty to animals, shall be provided with the necessary piping and fixtures to enable the filling of pails with water therefrom, or otherwise modified in construction so as to meet the requirements of the board of health. The supply of water for such troughs shall be furnished by the department of environmental protection. All other horse-watering troughs on streets and public places in the city shall likewise be provided with the piping and fixtures necessary to enable the filling of pails with water, and the use of the water for that purpose shall be paid for. All horse-watering stations in streets and public places hereafter constructed or operated, shall conform to the provisions of this section. It shall be unlawful to draw water from such fixtures except to water horses or other animals. It shall be unlawful to tamper with such fixtures.

[b. Every commercial vehicle to which a horse is attached, while on the public thoroughfares of the city, must be provided with a watering pail, which shall be used for the purpose of watering or feeding the horse or

horses attached to the vehicle.]

c. The provisions of this section shall not prevent the establishment of temporary relief stations for watering horses in conformity with such requirements as may be imposed by the board of health, with the consent of the commissioner.

§ 21. Chapter 2 of title 20 of the administrative code of the city of New York is amended to add a new subchapter 38 to read as follows:

Subchapter 38

HORSELESS ELECTRIC CARRIAGE

§ 20-565 Definitions.

§ 20-565.1 Horseless electric carriage program.

§ 20-565.2 Prevailing wage.

§ 20-565.3 Horseless electric carriage license required; fee; term.

§ 20-565.4 Granting and transferring of horseless electric carriage licenses.

§ 20-565.5 License Plate.

§ 20-565.6 Inspection of horseless electric carriage.

§ 20-565.7 Insurance.

§ 20-565.8 Horseless electric carriage driver license.

§ 20-565.9 Rates.

§ 20-565.10 Area, time, and speed restrictions on the operation of a horseless electric carriage.

§ 20-565.11 Passengers boarding horseless electric carriages.

§ 20-565.12 Suspensions and Revocations.

§ 20-565.13 Penalties.

§ 20-565.14 Enforcement.

§ 20-565 Definitions. For the purposes of this subchapter, the following terms have the following

meanings:

Horseless electric carriage. The term “horseless electric carriage” means an all-electric zero emission low speed vehicle registered with the state that is designed to comfortably seat and carry no more than seven passengers, in addition to the driver, from a fixed point in the city of New York to a place or places of interest or and shall also include a vehicle, 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 horseless electric carriage may be driven only by a licensed horseless electric carriage driver.

Horseless electric carriage driver. The term “horseless electric carriage driver” includes any person licensed to drive a horseless electric carriage in the city of New York.

Horseless electric carriage license. The term “horseless electric carriage license” means the license issued by the commissioner for each such carriage.

Inspection card. The term "inspection card" designate the card issued by the commissioner for the horseless electric carriage licensed, which card shall display the license number and capacity of such vehicle.

Low speed vehicle. The term “low speed vehicle” has the same meaning as in section 121-f of the vehicle and traffic law.

Owner. The term "owner” includes any person, firm, partnership, corporation, or association operating a horseless electric carriage.

Prevailing wage. The term “prevailing wage” means the rate of wage and supplemental benefits paid in the locality to workers in the same trade or occupation and determined by the comptroller in a manner consistent with the provisions of section 234 of the labor law.

§ 20-565.1 Horseless electric carriage program. No later than June 1 2023, an agency or office designated by the mayor shall establish a program for leasing or otherwise conveying no more than 68 horseless electric carriages to owners.

§ 20-565.2 Prevailing wage. a. 1. An owner who leases or otherwise acquires a horseless electric

carriage under the program established in section 20-565.1 shall pay each horseless electric carriage driver who drives such carriage on behalf of such operator no less than the prevailing wage. The obligation of an owner to pay prevailing supplements may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments in cash under rules and regulations, if any, promulgated pursuant to this section.

2. Every owner that employs a horseless electric carriage driver to operate a horseless electric pursuant to such lease or acquisition shall provide to the comptroller and the commissioner an annual certification executed under penalty of perjury that all such drivers subject to the requirements of this subdivision have been paid the prevailing wage. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each such driver. Such certification shall be certified by the chief executive or chief financial officer of the owner or the designee of any such person. A material inaccuracy in such certification, or a failure to provide such certification, shall constitute a violation of this section by the party that has violation of paragraph.

3. Each owner shall maintain original payroll records for each of the horseless electric carriage drivers it employs to operate a horseless electric carriage reflecting the days and hours worked, and the wages paid and benefits paid for such hours worked, and shall retain such records for the duration of the owner's participation in the program established pursuant to section 20-565.1 and at least six years thereafter. Failure to maintain such records as required shall create a rebuttable presumption that the horseless electric carriage drivers were not paid the wages and benefits required under this section. Upon the request of the comptroller or the commissioner, an owner shall provide a certified original payroll record. The comptroller or the commissioner may inspect such records to verify the certifications submitted pursuant to this subdivision, consistent with applicable law.

4. An owner subject to the requirements of this section shall post in a prominent and accessible place at every location in which horseless electric carriages are stored a copy of a written notice, prepared by the

comptroller, detailing the wages, benefits, and other protections to which horseless electric carriage drivers are entitled under this subdivision. Such notice shall also provide the name, address, and telephone number of the comptroller and a statement advising such drivers that if they have been paid less than the prevailing wage, they may notify the comptroller and request an investigation. Such notice shall be provided in English, Spanish and any other language that the owner is aware is the primary language of a significant portion of such drivers. Such notice shall remain posted for the duration of the owner's participation in program established pursuant to section 20-565.1 and shall be adjusted periodically to reflect the current prevailing wage for such drivers. Each owner shall provide a copy of such notice to each such driver subject to this subdivision. The comptroller shall provide the commissioner with sample written notices explaining the rights of such drivers and owners' obligations under this section, and the commissioner shall in turn provide those written notices to owners.

c. Implementation and enforcement. 1. The mayor shall promulgate implementing rules and regulations as appropriate and consistent with this section. The mayor may delegate such rulemaking authority to the comptroller, and may also delegate to the comptroller the authority to enforce the requirements established under paragraphs three and four of this subdivision. For the fiscal year ending June 30, 2025 and every year thereafter, the comptroller shall submit a report to the mayor and the speaker of the council summarizing and assessing the implementation and enforcement of this section during the preceding fiscal year.

2. The comptroller shall monitor owners' compliance with the requirements of this section. Whenever the comptroller has reason to believe that there has been a violation of this section, or upon a verified complaint in writing from a horseless electric carriage driver, a former horseless electric carriage driver, or a horseless electric carriage driver's representative claiming a violation of this section, the comptroller shall conduct an investigation to determine the facts relating thereto. In conducting such investigation, the comptroller shall have the same powers as are conferred on the comptroller by subdivision b of section 93 of the charter.

3. The comptroller shall report the results of such investigation to the mayor. Upon receipt of the results of such investigation, or based on other appropriate findings, the mayor shall, in accordance with the provisions

of paragraph 4 of this subdivision, and after providing the owner an opportunity to cure any violations, where appropriate, issue an order, determination, or other disposition, which may include a stipulation of settlement.

Such disposition may:

(i) direct payment of wages and/or the monetary equivalent of benefits that were underpaid by the owner, including interest from the date of the underpayment to the horseless electric carriage driver, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate no less than six percent per year;

(ii) direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this section;

(iii) direct payment of a further sum as a civil penalty in an amount not exceeding 25 percent of the total amount found to be due in violation of this section;

(iv) direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the owner; and

(v) direct payment of a further sum as a civil penalty up to three times the actual damages sustained when in two or more instances within the last six years final determinations by the mayor, or the comptroller if the mayor has delegated the function pursuant to this subdivision, has found that the covered employer willfully failed to pay the prevailing wage.

In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the owner, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the general fund.

4. Before issuing an order, determination, or any other disposition, the mayor, or the comptroller if the mayor has delegated the function pursuant to this subdivision, (a) shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby and (b) may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and

hearings, or other appropriate agency or tribunal, for a hearing and recommended disposition. Such owner shall be notified of a hearing date by the office of administrative trials and hearings, or other appropriate agency or tribunal, and shall have the opportunity to be heard in respect to such matters.

5. In an investigation conducted under the provisions of this section, the inquiry of the comptroller shall not extend to work performed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

6. The comptroller shall be authorized to contract with non-governmental agencies to investigate possible violations of this section. Where an owner is found to have violated the requirements of this section, the owner shall be liable to the city for costs incurred in investigating and prosecuting the violation.

d. Enforcement by private right of action. 1. When a final determination has been made and such determination is in favor of a horseless electric carriage driver, such driver may, in addition to any other remedy provided by this section, institute an action in any court of appropriate jurisdiction against the owner found to have violated this section. For any violation of this section, including failure to pay applicable prevailing wages, pay required benefits, or comply with other requirements of this section, including protections against retaliation and discrimination, the court may award any appropriate remedy at law or equity including, but not limited to, back pay, payment for wrongly denied benefits, interest, other equitable relief, reinstatement, injunctive relief and/or compensatory damages. The court shall award reasonable attorney's fees and costs to any complaining party who prevails in any such enforcement action.

2. Notwithstanding any inconsistent provision of paragraph 1 of this subdivision, where a complaint filed with the comptroller is dismissed an aggrieved person shall maintain all rights to commence a civil action pursuant to this section as if no such complaint had been filed.

3. A horseless electric carriage driver subject to this section shall not be barred from the right to recover the difference between the amount paid to such driver and the amount which should have been paid to the horseless electric carriage driver under the provisions of this section because of the prior receipt by the

horseless electric carriage driver without protest of wages or benefits paid, on account of the horseless electric carriage driver's failure to state orally or in writing upon any payroll or receipt that the horseless electric carriage driver is required to sign that the wages or benefits received by the horseless electric carriage driver are received under protest, or on account of the driver's failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages or benefits due the horseless electric carriage driver for the period covered by such payment.

4. Such action must be commenced within three years of the date of the alleged violation, or within three years of the final disposition of any administrative complaint or action concerning the alleged violation or, if such a disposition is reviewed in a proceeding pursuant to article 78 of the civil practice law and rules, within three years of the termination of such review proceedings. No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit a horseless electric carriage driver's right, if any, to bring a cause of action for wrongful termination.

e. Retaliation and discrimination barred. It shall be unlawful for any owner to retaliate, discharge, demote, suspend, take adverse employment action in the terms and conditions of employment or otherwise discriminate against any horseless electric carriage driver for reporting or asserting a violation of this section, for seeking or communicating information regarding rights conferred by this section, for exercising any other rights protected under this section, or for participating in any investigatory or court proceeding relating to this section. This protection shall also apply to any horseless electric carriage driver or such driver's representative who in good faith alleges a violation of this section, or who seeks or communicates information regarding rights conferred by this section in circumstances where such driver in good faith believes this section applies. Taking adverse employment action against a horseless electric carriage driver or such driver's representative within 60 days of the driver engaging in any of the aforementioned activities shall raise a rebuttable presumption of having done so in retaliation for those activities. Any horseless electric carriage driver subjected

to any action that violates this subdivision may pursue administrative remedies or bring a civil action pursuant to subdivision d of this section in a court of competent jurisdiction.

f. Relation to other laws. This section shall be liberally construed in favor of its purposes. Nothing in this section shall be construed as prohibiting or conflicting with any other obligation or law, including any collective bargaining agreement, that mandates the provision of higher or superior wages, benefits, or protections to horseless electric carriage drivers subject to the provisions of this section. No requirement or provision of this section shall be construed as applying to any person or circumstance where such coverage would be preempted by federal or state law. However, in such circumstances, only those specific applications or provisions of this section for which coverage would be preempted shall be construed as not applying.

§ 20-565.3 Horseless electric carriage license required; fee; term. a. It shall be unlawful to operate or permit another to operate for hire a horseless electric carriage within the city unless the owner shall have first obtained a horseless electric carriage license therefor from the commissioner.

b. Fees. The annual license fee for each horseless electric carriage or renewal of such license shall be \$50.

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

d. License cap. The maximum number of horseless electric carriage licenses which may be in effect shall not exceed 68 and no new licenses shall be issued in excess of such number.

e. Waiting list. After the initial issuance of such horseless electric carriage licenses, the commissioner shall establish a separate 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.

§ 20-565.4 Granting and transferring of horseless electric carriage licenses.

a. Any person, firm, partnership, corporation or association, owning or operating a horseless electric carriage shall be issued a horseless electric carriage license for each horseless electric carriage so operating.

b. Preference shall be given in the issuance of horseless electric carriage licenses and in the placement on such waiting list to those persons, who as of the effective date of this local law, were in possession of a valid horse drawn cab license.

c. In order to obtain, amend, or renew a horseless electric carriage 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 20-568 of this subchapter;

(2) proof of current, valid participation in the program established pursuant to section 20-565.1; and

(3) any such other information as the commissioner may require to establish the applicant's eligibility for a horseless electric carriage license under this subchapter.

d. A horseless electric carriage license shall be valid only for the person, firm, partnership, corporation or association in whose name it is issued.

e. It shall be unlawful for a person to whom a horseless electric carriage license has been issued to transfer any interest in such license to any other person unless:

1. the horseless electric carriage licensee complies with all applicable requirements imposed by this subchapter; and

2. the commissioner approves such transfer.

§ 20-565.5 License Plate. Upon the payment of the license fee, the commissioner shall issue a horseless electric carriage license to the owner of the horseless electric carriage together with a license plate to be securely affixed to a conspicuous and indispensable part of such horseless electric carriage on which shall be clearly set forth the license number of such carriage. 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 to be issued from year to year to be attached thereto, 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 they may determine, in which event they 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 they may prescribe by rule. The failure to affix or display such date tag in a 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 may file such statement and proof of facts as the commissioner shall require, with a fee of \$25, at the department, and the department shall issue a duplicate or substitute license plate or date tag.

§ 20-565.6 Inspection of horseless electric carriage. a. A vehicle shall be licensed as a horseless electric carriage 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 horseless electric carriage license to any horseless electric carriage not in compliance with the requirements of this section, any rules promulgated thereunder or with any other laws or rules governing horseless electric carriage, or which is otherwise found to be unfit for operation. Grounds for refusal to issue a horseless electric carriage license shall include, but not be limited to, failure to submit a horseless electric carriage or records pertaining to the operation and maintenance of such horseless electric carriage for inspection.

c. The commissioner may adopt rules (1) requiring the inspection by the department of horseless electric carriage and/or records pertaining to the operation and maintenance of such carriages to determine compliance with 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 conducted by a state or federal agency authorized to conduct such inspections on such carriages.

§ 20-565.7 Insurance. a. As a condition of the issuance of a horseless electric carriage license, each applicant shall furnish proof that such carriage is insured under a public liability and property damage insurance policy or indemnity bond with minimum coverage as required under section 370 of the vehicle and traffic law.

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 10 days of notice to the licensee of such modification, amendment, cancellation, or substitution.

§ 20-565.8 Horseless electric carriage driver license. a. It shall be unlawful for a horseless electric carriage driver to operate a horseless electric carriage unless such driver shall have first obtained a horseless electric carriage driver license from the commissioner.

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

c. In order to obtain or renew a horseless electric carriage driver license, a horseless electric carriage driver shall file an application with the commissioner for such horseless electric carriage 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 horseless electric carriage driver license under this subchapter.

d. To be eligible for a horseless electric carriage 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 their New York State motor vehicle driver's license suspended or revoked; and
4. meet such fitness requirements as the commissioner may determine by rule.

e. A horseless electric carriage driver license shall be valid for a term of one year. There shall be a fee of \$35 for such license. The commissioner shall establish the expiration date for such license by rule.

f. Preference shall be given in the issuance of horseless electric carriage licenses to those persons, who as of the effective date of this local law, were in possession of a valid horse drawn cab driver's license.

§ 20-565.9 Rates. a. The amount to be charged and collected for the use of a horseless electric carriage by one or more passengers shall be higher of the total of the following:

1. \$60 for the first half hour or fraction thereof and \$15 for each additional 15 minutes thereafter; or

2. \$20 per passenger for the first half hour or fraction thereof and \$10 per passenger for each additional 15 minutes thereafter, for a minimum of \$80.

Such rates shall be indexed for inflation based on the consumer price index every three years.

b. The basis for calculating the amount of the charge for the use of a horseless electric carriage shall be displayed on such carriage at all times.

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

d. Prior to beginning a trip, the driver of the horseless electric carriage shall notify the passengers the basis by which the total charge for the trip will be calculated.

§ 20-565.10 Area, time, and speed restrictions on the operation of a horseless electric carriage.

a. A horseless electric carriage may be operated for the carrying and transportation of passengers within Manhattan, including within Central Park, during the hours that such park is open to the public.

c. A horseless electric carriage shall not be operated on or in any bridge or tunnel within the city of New York.

d. A horseless electric carriage shall not be operated in excess of 25 miles per hour. While operating in Central Park, a horseless electric carriage shall not operate in excess of three miles per hour.

§ 20-565.11 Passengers boarding horseless electric carriages. a. 1. No person operating a horseless

electric carriage shall solicit, pick up or discharge passengers at any location other than a location described in paragraph 2 of this subdivision or a location designated by the department of transportation as a horseless electric carriage boarding area.

2. Except as otherwise indicated by posted sign, operators of horseless electric carriages may pick up or discharge passengers at the following locations:

1. within Central Park;
2. along Central Park South;
3. in the center lane at the Grand Army Plaza entrance to Central Park;
4. within the Theatre District zone, as defined in section 19-157.1;
5. along 49th Street and 50th Street between 5th and 6th Avenues; and
6. along Central Park West between West 77th Street and West 81st Street.

b. 1. Horseless electric carriages may accept passengers on a prearranged basis in areas that are not restricted pursuant to section 20-565.9. Such prearranged rides shall commence in front of hotels, restaurants, or attraction that have obtained the approval of the owner of the premises at which such hotel, restaurant, or attraction is located.

2. This subdivision shall not be construed to permit the operation, parking, stopping or standing of any horseless electric carriage in any area at any time where or when such operation, parking, stopping or standing is prohibited by any other law or rule.

§ 20-565.12 Suspensions and Revocations. a. After notice and opportunity to be heard, the commissioner may suspend or revoke any horseless electric carriage 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 horseless electric carriage, or where the horseless electric carriage 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 horseless electric carriage 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. the operation of a horseless electric carriage, owned by the horseless electric carriage business, by a horseless electric carriage driver who does not have in full force and effect a horseless electric carriage driver license and a motor vehicle driver's license;

3. the operation of a horseless electric carriage that has not been inspected pursuant to this subchapter;
or

4. the operation of a horseless electric carriage that does not have affixed to it a license plate as required by this subchapter; or

5. violation by a horseless electric carriage business of any of the provisions of chapter 1 of this title, provisions of this subchapter, rules promulgated pursuant to this subchapter, or any other law applicable to the operation of a horseless electric carriage business.

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

§ 20-565.13 Penalties. a. It is a traffic infraction to violate any provision of this subchapter and such traffic infractions shall be punishable in accordance with section 1800 of the 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 be: (1) not less than \$200 nor more than \$500 for the first violation and for each additional violation committed on the same day; (2) not less than \$500 nor more than

\$1000 for the second violation committed, and each additional violation committed on the same day, within a one year period; (3) not less than \$1000 nor more than \$4000 for the third violation committed, and each additional violation committed on the same day, within a one year period. The horseless electric carriage business that authorizes the operation of such horseless electric carriage shall be jointly and severally liable with the horseless electric carriage driver thereof, for the penalties imposed by this section.

c. A violation of section 20-565 or 20-570 of this subchapter or any rules promulgated thereunder shall be punishable by a fine of not more than \$500 or imprisonment of up to 15 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.

§ 20-565.14 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 or regulation promulgated pursuant to this subchapter.

§ 20-565.15 Regulations. The commissioner may make and promulgate such rules and regulations and prescribe such forms as are necessary to carry out the provisions of this subchapter.

§ 22. This local law shall take effect in 90 days after it becomes law, except that:

a. sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, and 20 take effect on June 1, 2024;

b. section 13 takes effect in 90 days and shall be deemed repealed on June 1, 2024;

c. section 21 takes effect one year after it becomes law; and

d. the commissioner of consumer and worker protection, the commissioner of health and mental hygiene, and the director or commissioner of the agency or office designated by the mayor pursuant to section 21 of this local law, may promulgate rules or take any other actions for the implementation of this local law prior to such effective date.

3/23/22