

RESOLUTION NO. 2016089

RE: HOME RULE REQUEST – RESOLUTION URGING NEW YORK STATE LEGISLATURE TO APPROVE SENATE BILL S.4338-A AND ASSEMBLY BILL A.2370-B WHICH LEGISLATION WOULD ENABLE DUTCHESS COUNTY TO REGULATE THE REGISTRATION AND LICENSING OF TAXICABS, LIMOUSINES AND LIVERY VEHICLES

Legislators FLESLAND, BOLNER, MICCIO, SAGLIANO, LANDISI, HORTON, JETER-JACKSON, and TRUITT offer the following and move its adoption:

WHEREAS, the New York State Legislature has drafted Senate Bill S.4338-A and Assembly Bill A.2370-B to authorize Dutchess County to regulate the registration and licensing of taxicabs, limousines and livery vehicles; and

WHEREAS, the proposed Legislation would allow Dutchess County to enter into a reciprocal agreement with the New York City Taxi and Limousine Commission to allow Dutchess County based livery companies to operate in New York City; now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby urges the New York State Legislature to submit for final consideration and approval a Home Rule Request for the 2016 Legislative Session authorizing the County of Dutchess to regulate the registration and licensing of taxicabs, limousines, and livery vehicles; and be it further

RESOLVED, that the Legislation be in the form and content shown in the attached Senate Bill S.4338-A. and Assembly Bill A.2370-B; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to forward the appropriate number of copies of this Resolution with an appropriate transmittal letter to each house in the New York State Legislature.

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11<sup>th</sup> day of April 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11<sup>th</sup> day of April 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Authorizes the county of Dutchess to regulate the registration and licensing of taxicabs, limousines, and livery vehicles.

STATE OF NEW YORK

4338--A

2015-2016 Regular Sessions

IN SENATE

March 16, 2015

Introduced by Sen. SERINO -- read twice and ordered printed, and when  
printed to be committed to the Committee on Local Government --

recom-

mitted to the Committee on Local Government in accordance with Senate  
Rule 6, sec. 8 -- committee discharged, bill amended, ordered  
reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the vehicle and traffic  
law, in relation to authorizing the county of Dutchess to regulate the  
registration and licensing of taxicabs, limousines, and livery

vehi-

cles

The People of the State of New York, represented in Senate and

Assem-

bly, do enact as follows:

1 Section 1. Subdivision 1 of section 181 of the general municipal  
law,  
2 as amended by chapter 498 of the laws of 2015, is amended to read as  
3 follows:

4 1. The registration and licensing of taxicabs and may limit the  
number  
5 of taxicabs to be licensed and the county of Westchester may adopt  
ordi-  
6 nances regulating the registration and licensing of taxicabs and  
limou-  
7 sines and may limit the number to be licensed; the county of Nassau may  
8 adopt ordinances regulating the registration of taxicabs and limousines;  
9 and the county of Suffolk may adopt local laws or ordinances regulating  
10 the registration of taxicabs, limousines, and livery vehicles; and the  
11 county of Rockland may adopt local laws or ordinances regulating the  
12 registration and licensing of taxicabs, limousines, and livery vehicles  
13 and may limit the number to be licensed; and the county of Dutchess may  
14 adopt local laws or ordinances regulating the registration and licensing  
15 of taxicabs, limousines and livery vehicles.

16 § 2. Paragraph b of subdivision 1 of section 498 of the vehicle  
and  
17 traffic law, as separately amended by chapters 382 and 385 of the laws

18 of 2012, is amended to read as follows: -----  
19 b. "Licensing jurisdiction" shall mean a city with a population  
of one  
20 million or more, or a county within New York state contiguous to such

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD05140-05-6

S. 4338--A

2

1 city [or], the county of Suffolk [or], the county of Rockland or the  
2 county of Dutchess, that requires the issuance of a license, permit,  
3 registration, certification or other approval for a vehicle to perform  
4 the pre-arranged pick up or drop off of one or more passengers in such  
5 jurisdiction for compensation.

6 § 3. This act shall take effect immediately.

NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S4338A

SPONSOR: SERINO

TITLE OF BILL: An act to amend the general municipal law and the vehicle and traffic law, in relation to authorizing the county of Dutch- ess to regulate the registration and licensing of taxicabs, limousines, and livery vehicles

PURPOSE:

This bill authorizes Dutchess County to regulate the registration and licensing of taxicabs, limousines, and livery vehicles.

SUMMARY OF PROVISIONS:

Section one amends the general municipal law by authorizing Dutchess County to adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines and livery vehicles.

Section two amends the vehicle and traffic law to include Dutchess Coun- ty in the definition of licensing jurisdiction.

Section three provides an immediate effective date.

EXISTING LAW:

Similar legislation has been enacted for Rockland and Suffolk counties (Chapters 385 and 382 of 2012).

JUSTIFICATION:

This legislation repeals a detrimental regulation on small business owners who own livery companies in Dutchess County. Although the New York City Taxi & Limousine Commission allows our livery companies to operate in New York City, their privileges are limited to counties who have entered into a reciprocal agreement with the TLC. The privileges referenced in chapter 55 of the TLC handbook state that companies transporting passengers between jurisdictions may temporarily discharge and pick up passengers in New York City if all stops occur within 24 hours.

However, this rule does not give our local businesses enough time to offer return services, nor does it offer fair opportunity. In addition, it infringes on the rights of residents to choose to contract with local businesses that are licensed car services. To expand the 24 hour limit, the law states that livery companies must be from counties that have local regulation and reciprocity agreements, and they must meet a population limit of at least one million. While Dutchess County does not meet this requirement, we found this law has been amended previously to accommodate Rockland and Suffolk Counties in chapters 385 and 382 of 2012. These are small businesses that cannot afford to headquarter in New York City, and they want to support our local economy, as well as our community. This bill continues the trend of making New York State more business friendly by allowing these businesses more flexibility to expand services in its largest market area, increase tourism in the region, and employ more New Yorkers.

LEGISLATIVE HISTORY:

2014: Similar bills -- S.7448 Local Government, A.9601 Passed Assembly

FISCAL IMPLICATIONS:

None

EFFECTIVE DATE:

Immediately

Caroline Chauvin  
Chief of Staff/Legislative Director  
Office of Senator Sue Serino  
Albany, NY 12247  
Office: (518) 455-2945

STATE OF NEW YORK

4338

2013-2014 Regular Sessions

IN SENATE

March 21, 2013

Introduced by Sen. YOUNG -- (at request of the Legislative Commission on Rural Resources) -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the general city law, the town law, and the village law, in relation to authorizing the use of mediation in land use decisions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 20 of the general city law is amended by adding a  
2 new subdivision 39 to read as follows:

3 39. TO PROVIDE BY LOCAL LAW FOR THE USE OF VOLUNTARY AND NONBINDING  
4 MEDIATION PURSUANT TO GUIDELINES ESTABLISHED BY THE UNIFIED COURT SYSTEM  
5 OR SUCH OTHER PROCEDURE AS DETERMINED BY ITS LEGISLATIVE BODY. WHEN  
6 UTILIZING SUCH MEDIATION, THE APPLICANT AND THE LEGISLATIVE BODY MAY  
7 MUTUALLY AGREE, IN WRITING, TO STAY OR EXTEND THE STATUTORY TIME PERIODS  
8 FOR REVIEW OF SUCH APPLICATION, AND SAID AGREEMENT SHALL SPECIFY THE  
9 DATE ON WHICH THE STAY OR EXTENSION WILL END. THE LEGISLATIVE BODY SHALL  
10 MAKE SUCH WRITTEN AGREEMENT AVAILABLE TO THE PUBLIC BY FILING A COPY  
11 THEREOF IN THE CITY CLERK'S OFFICE.

12 S 2. Subdivision 3 of section 81-a of the general city law, as added  
13 by chapter 208 of the laws of 1993, is amended to read as follows:

14 3. Assistance to the board of appeals. (A) Such board shall have the  
15 authority to call upon any department, agency or employee of the city  
16 for such assistance as shall be deemed necessary and as shall be author-  
17 ized by the legislative body. Such department, agency or employee may be  
18 reimbursed for any expenses incurred as a result of such assistance.

19 (B) THE ZONING BOARD OF APPEALS MAY BE AUTHORIZED BY THE LEGISLATIVE  
20 BODY TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION AS AN  
21 AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE GUIDELINES ESTAB-  
22 LISHED BY THE UNIFIED COURT SYSTEM OR SUCH OTHER PROCEDURE AS DETERMINED  
23 BY THE LEGISLATIVE BODY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 S 3. Paragraph b of subdivision 14 of section 27 of the general city  
2 law, as amended by chapter 418 of the laws of 1995, is amended to read  
3 as follows:

4 b. The planning board may review and make recommendations on a  
5 proposed city comprehensive plan or amendment thereto. In addition, the  
6 planning board shall have the full power and authority to make investi-  
7 gations, maps, reports, and recommendations in connection therewith  
8 relating to the planning and development of the city as it deems desira-  
9 ble, providing the total expenditures of said board shall not exceed the  
10 appropriation provided therefor. THE PLANNING BOARD MAY BE AUTHORIZED  
11 BY THE LEGISLATIVE BODY TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBIND-  
12 ING MEDIATION AS AN AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE  
13 GUIDELINES ESTABLISHED BY THE UNIFIED COURT SYSTEM OR SUCH OTHER PROCE-  
14 DURE AS DETERMINED BY THE LEGISLATIVE BODY.

15 S 4. Section 64 of the town law is amended by adding a new subdivision  
16 26 to read as follows:

17 26. MEDIATION. IS AUTHORIZED TO PROVIDE BY LOCAL LAW FOR THE USE OF  
18 VOLUNTARY AND NONBINDING MEDIATION PURSUANT TO THE GUIDELINES ESTAB-  
19 LISHED BY THE UNIFIED COURT SYSTEM OR OTHER PROCEDURE AS DETERMINED BY  
20 THE BOARD. WHEN UTILIZING SUCH MEDIATION, THE APPLICANT AND THE TOWN  
21 BOARD MAY MUTUALLY AGREE, IN WRITING, TO STAY OR EXTEND THE STATUTORY  
22 TIME PERIODS FOR REVIEW OF SUCH APPLICATION, AND SAID AGREEMENT SHALL  
23 SPECIFY THE DATE ON WHICH THE STAY OR EXTENSION WILL END. THE TOWN BOARD  
24 SHALL MAKE SUCH WRITTEN AGREEMENT AVAILABLE TO THE PUBLIC BY FILING A  
25 COPY THEREOF IN THE TOWN CLERK'S OFFICE.

26 S 5. Subdivision 3 of section 267-a of the town law, as amended by  
27 chapter 248 of the laws of 1992, is amended to read as follows:

28 3. Assistance to board of appeals. (A) Such board shall have the  
29 authority to call upon any department, agency or employee of the town  
30 for such assistance as shall be deemed necessary and as shall be author-  
31 ized by the town board. Such department, agency or employee may be reim-  
32 bursed for any expenses incurred as a result of such assistance.

33 (B) THE ZONING BOARD OF APPEALS MAY BE AUTHORIZED BY THE TOWN BOARD TO  
34 PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION AS AN AID IN  
35 FOSTERING LAND USE DECISIONS, PURSUANT TO THE GUIDELINES ESTABLISHED BY  
36 THE UNIFIED COURT SYSTEM OR OTHER SUCH PROCEDURE AS DETERMINED BY THE  
37 BOARD.

38 S 6. Paragraph b of subdivision 14 of section 271 of the town law, as  
39 amended by chapter 418 of the laws of 1995, is amended to read as  
40 follows:

41 b. The planning board may review and make recommendations on a  
42 proposed town comprehensive plan or amendment thereto. In addition, the  
43 planning board shall have full power and authority to make investi-  
44 gations, maps, reports and recommendations in connection therewith  
45 relating to the planning and development of the town as it seems desira-  
46 ble, providing the total expenditures of said board shall not exceed the  
47 appropriation provided therefor. THE PLANNING BOARD MAY BE AUTHORIZED  
48 BY THE TOWN BOARD TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING  
49 MEDIATION AS AN AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE  
50 GUIDELINES ESTABLISHED BY THE UNIFIED COURT SYSTEM OR OTHER PROCEDURE AS  
51 DETERMINED BY THE BOARD.

52 S 7. Subdivision 3 of section 4-412 of the village law is amended by  
53 adding a new paragraph 14 to read as follows:

54 (14) MEDIATION. MAY PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING  
55 MEDIATION PURSUANT TO THE GUIDELINES ESTABLISHED BY THE UNIFIED COURT  
56 SYSTEM OR SUCH OTHER PROCEDURE AS DETERMINED BY THE BOARD OF TRUSTEES.

1 WHEN UTILIZING SUCH MEDIATION, THE APPLICANT AND THE BOARD OF TRUSTEES  
2 MAY MUTUALLY AGREE, IN WRITING, TO STAY OR EXTEND THE STATUTORY TIME  
3 PERIODS FOR REVIEW OF SUCH APPLICATION, AND SAID AGREEMENT SHALL SPECIFY  
4 THE DATE ON WHICH THE STAY OR EXTENSION WILL END. THE BOARD OF TRUSTEES  
5 SHALL MAKE SUCH WRITTEN AGREEMENT AVAILABLE TO THE PUBLIC BY FILING A  
6 COPY THEREOF IN THE VILLAGE CLERK'S OFFICE.

7 S 8. Subdivision 3 of section 7-712-a of the village law, as amended  
8 by chapter 248 of the laws of 1992, is amended to read as follows:

9 3. Assistance to board of appeals. (A) Such board shall have the  
10 authority to call upon any department, agency or employee of the village  
11 for such assistance as shall be deemed necessary and as shall be author-  
12 ized by the village board of trustees. Such department, agency or  
13 employee may be reimbursed for any expenses incurred as a result of such  
14 assistance.

15 (B) THE ZONING BOARD OF APPEALS MAY BE AUTHORIZED BY THE BOARD OF  
16 TRUSTEES TO PROVIDE FOR THE USE OF VOLUNTARY AND NONBINDING MEDIATION AS  
17 AN AID IN FOSTERING LAND USE DECISIONS, PURSUANT TO THE GUIDELINES  
18 ESTABLISHED BY THE UNIFIED COURT SYSTEM OR SUCH OTHER PROCEDURE AS  
19 DETERMINED BY THE BOARD OF TRUSTEES.

20 S 9. Paragraph b of subdivision 14 of section 7-718 of the village  
21 law, as amended by chapter 418 of the laws of 1995, is amended to read  
22 as follows:

23 b. The planning board may review and make recommendations on a  
24 proposed village comprehensive plan or amendment thereto. In addition,  
25 the planning board shall have the full power and authority to make  
26 investigations, maps, reports, and recommendations in connection there-  
27 with relating to the planning and development of the village as it seems  
28 desirable, providing the total expenditures of said board shall not  
29 exceed the appropriation provided therefor. THE PLANNING BOARD MAY BE  
30 AUTHORIZED BY THE BOARD OF TRUSTEES TO PROVIDE FOR THE USE OF VOLUNTARY  
31 AND NONBINDING MEDIATION AS AN AID IN FOSTERING LAND USE DECISIONS,  
32 PURSUANT TO THE GUIDELINES ESTABLISHED BY THE UNIFIED COURT SYSTEM OR  
33 SUCH OTHER PROCEDURE AS DETERMINED BY THE BOARD OF TRUSTEES.

34 S 10. This act shall take effect on the first of July in the calendar  
35 year next succeeding the calendar year in which it shall have become a  
36 law, and shall not affect any local laws or ordinances providing for the  
37 mediation of zoning and planning decisions which were enacted prior to  
38 such effective date.

STATE OF NEW YORK

2370

2015-2016 Regular Sessions

IN ASSEMBLY

January 16, 2015

Introduced by M. of A. BARRETT, SKARTADOS, CAHILL -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law and the vehicle and traffic law, in relation to authorizing the counties of Dutchess and Ulster to regulate the registration and licensing of taxicabs, limousines, and livery vehicles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 181 of the general municipal law,  
2 as separately amended by chapters 382 and 385 of the laws of 2012, is  
3 amended to read as follows:

4 1. The registration and licensing of taxicabs and may limit the number  
5 of taxicabs to be licensed and the county of Westchester may adopt ordi-  
6 nances regulating the registration and licensing of taxicabs and limou-  
7 sines and may limit the number to be licensed; the county of Nassau may  
8 adopt ordinances regulating the registration of taxicabs and limousines;  
9 and the county of Suffolk may adopt ordinances regulating the registra-  
10 tion of taxicabs, limousines, and livery vehicles; [and] the county of  
11 Rockland may adopt local laws or ordinances regulating the registration  
12 and licensing of taxicabs, limousines, and livery vehicles and may limit  
13 the number to be licensed; THE COUNTY OF DUTCHESS MAY ADOPT LOCAL LAWS  
14 OR ORDINANCES REGULATING THE REGISTRATION AND LICENSING OF TAXICABS,  
15 LIMOUSINES, AND LIVERY VEHICLES AND MAY LIMIT THE NUMBER TO BE LICENSED;  
16 AND THE COUNTY OF ULSTER MAY ADOPT LOCAL LAWS OR ORDINANCES REGULATING  
17 THE REGISTRATION AND LICENSING OF TAXICABS, LIMOUSINES, AND LIVERY VEHI-  
18 CLES AND MAY LIMIT THE NUMBER TO BE LICENSED.

19 S 2. Paragraph b of subdivision 1 of section 498 of the vehicle and  
20 traffic law, as separately amended by chapters 382 and 385 of the laws  
21 of 2012, is amended to read as follows:

22 b. "Licensing jurisdiction" shall mean a city with a population of one  
23 million or more, or a county within New York state contiguous to such

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD05140-01-5

1 city [or], the county of Suffolk [or], the county of Rockland, THE COUN-  
2 TY OF DUTCHESS OR THE COUNTY OF ULSTER, that requires the issuance of a  
3 license, permit, registration, certification or other approval for a  
4 vehicle to perform the pre-arranged pick up or drop off of one or more  
5 passengers in such jurisdiction for compensation.  
6 S 3. This act shall take effect immediately.