Int. No. 2155

By Council Members Kallos and Rodriguez

A Local Law to amend the administrative code of the city of New York, in relation to requiring a universal mobile application to enable customers to electronically hail taxicabs and street hail livery vehicles

Be it enacted by the Council as follows:

1   Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended

2   by adding a new section 19-555 to read as follows:

3   § 19-555 E-hail mobile application. a. Definitions. For the purposes of this section, the

4   following terms have the following meanings:

5   Accessible vehicle. The term "accessible vehicle" means any vehicle approved for use by

6   the commission as a taxicab or HAIL vehicle that meets the specifications and requirements for

7   accessible vehicles pursuant to the Americans with disabilities act of 1990, as amended, and rules

8   promulgated by the commission.

9   Application program interface. The term "application program interface (API)" means a

10   software intermediary that makes it possible for application programs to interact with each other

11   and share data.

12   E-hail application. The term "e-hail application" means a software program approved by

13   the commission residing on a computer, smartphone, tablet or other mobile device with wireless

14   internet connectivity which performs one or more of the following functions: (1) allows a

15   passenger to identify the locations of available taxicabs and eligible HAIL vehicles in a given area

16   and allows a driver to identify the location of a passenger who is currently ready to travel; (2)

17   allows a passenger to hail a taxicab or eligible HAIL vehicle via the electronic device; (3) allows

1   a driver to receive a hail request from such a passenger; and (4) allows customers to make

2   electronic payments.

3   Payment Card Industry (PCI)-certified. The term "Payment Card Industry (PCI)-certified"

4   means compliant with the policies and procedures developed by Visa, Master Card, Discover and

5   American Express and any other relevant credit or debit card companies in order to optimize the

6   security of credit, debit and cash card transactions.

7   Street hail livery technology system (L-PEP). The term "street hail livery technology

8   system (L-PEP)" means an integrated system of hardware and software that complies with the

9   technical requirements set forth in the rules of the city of New York regarding such system, and

10   provides the following core services in HAIL vehicles: (1) credit, debit and prepaid card payment;

11   (2) text messaging; (3) trip data collection and transmission; (4) passenger information monitor,

12   screen, or other credit/debit card device; and (5) automatic vehicle location system and location

13   services.

14   Taxicab technology system (T-PEP). The term "Taxicab technology system (T-PEP)"

15   means an integrated system of hardware and software that complies with the technical

16   requirements set forth in the rules of the city of New York regarding such system and provides the

17   following core services to taxicabs: (1) credit, debit and prepaid card payment; (2) text messaging;

18   (3) trip data collection and transmission; (4) data transmission by means of the passenger

19   information monitor; and (5) automatic vehicle location system and location services.

20   Third-party e-hail application. The term "third-party e-hail application" means any e-

21   hail application other than an e-hail application developed or caused to be developed by the

22   commission.

1   b. The commission shall develop or cause to be developed an e-hail application to enable

2   customers to electronically hail taxicab or eligible HAIL vehicles, including the ability to

3   electronically hail an accessible vehicle. Such e-hail application shall be the sole method to

4   electronically hail an accessible vehicle. The T-PEP and L-PEP systems shall be the sole systems

5   authorized by the commission for taxicabs and HAIL vehicles to receive electronic hails. Any e-

6   hail application, provided it meets the following minimum criteria, shall be eligible for an e-hail

7   license:

8   1. There shall be no charge to a passenger or driver for the use of such e-hail application.

9   2. The e-hail application shall only dispatch e-hails to HAIL vehicles within the geographic

10   boundaries set by state law for HAIL vehicle pickups.

11   3. The e-hail application shall allow passengers to provide comments to the commission

12   regarding the ride, including but not limited to, compliments and complaints, as well as allow

13   passengers to rate their drivers.

14   4. The e-hail application shall display all available taxicabs and HAIL vehicles within a

15   certain radius of the passenger to be determined by the commission and shall be capable of

16   transmitting to the passenger the vehicle number and name of the driver of the first vehicle to

17   accept the hail, the estimated time of arrival as close to real time as feasible, and the location of

18   the vehicle accepting the hail.

19   5. All payments made through the e-hail application for fares shall be processed through a

20   T-PEP or L-PEP system.

21   6. The e-hail application shall allow passengers to electronically hail an accessible vehicle.

1   7. The e-hail application shall be capable of allowing drivers to accept an e-hail while the

2   vehicle is in motion with a single touch or with voice activation. The e-hail application must be

3   locked while the vehicle is in motion.

4   c. A taxicab or HAIL vehicle driver shall not be required to accept a passenger through the

5   e-hail application provided that once such driver accepts a hail through the e-hail application, such

6   driver must pick up the e-hail passenger. Any driver found in violation of this subdivision shall be

7   subject to penalties pursuant to paragraph b of section 19-507.

8   d. Upon accepting an e-hail through the e-hail application, the driver of a taxicab or eligible

9   HAIL vehicle shall cause the roof light of such vehicle to indicate that such vehicle is not available

10   for incoming passengers. Such driver shall not begin charging a fare until the passenger has been

11   picked up.

12   e. A taxicab or eligible HAIL vehicle driver shall only be permitted to charge the passenger

13   picked up through the e-hail application the metered rates provided by law or rule.

14   f. To use the e-hail application, a passenger must create and manage an account through

15   the e-hail application, as well as on a website approved by the commission. Passengers shall have

16   the option of entering payment information for credit or debit cards or other approved forms of

17   electronic payment. The e-hail application and website shall be capable of offering users the option

18   to save such payment information.

19   g. The commission may ban passengers who it determines have misused the e-

20   hail application.

21   h. The commission, or an entity approved by the commission, shall maintain the e-

22   hail application and website, including compiling data on its use. Such data shall include, but need

1   not be limited to, the number of passengers who have hailed a taxicab or HAIL vehicle through

2   the application and the geographic area from which each e-hail originates.

3   i. The commission shall advertise and promote the e-hail application for no less than 30

4   seconds during its allotted time for public service announcements on a T-PEP or L-PEP display

5   from 90 days prior to the e-hail application going into service and until, at a minimum, one year

6   after the e-hail application goes into service. The commission may adopt additional promotional

7   methods.

8   j. The commission shall provide training for all drivers applying for a taxicab driver's

9   license or for-hire vehicle driver's license to drive a HAIL vehicle on the use of the e-

10   hail application mandated under subdivision b of this section. Drivers must also receive the

11   training in order to renew such licenses. The commission shall further provide training for such

12   drivers as necessary.

13   k. Any tip or gratuity shall, in its entirety, be provided to the driver. A taxicab or HAIL

14   vehicle base must remit to the driver the entirety of any sum designated as a gratuity collected by

15   such base from the passenger on behalf of the driver.

16   l. The commission shall develop an API that allows third-party e-hail applications

17   approved by the commission based on this section and rules of the commission to submit hail

18   requests for fulfillment by taxicabs and eligible HAIL vehicles through the e-hail application. The

19   API shall be reviewed by the commission, or a commission approved entity when necessary, but

20   no less than once every three months, to update the API if the commissioner determines that such

21   API is not meeting the requirements of third-party applications. The commission shall not adopt

22   any rules regulating the dispatch practices used by such third-party e-hail applications, provided

1 that such methodology does not otherwise violate any rules of the commission. Such third-party

2 e-hail applications:

3   1. May charge a fee for their use;

4   2. Shall not influence a passenger attempting to e-hail a taxicab or eligible HAIL vehicle

5 to use another class of for-hire vehicle;

6   3. Shall meet the requirements of subdivisions b through f of this section, but shall be

7 exempt from the requirements of paragraphs 1 and 4 of subdivision b of this section; and

8   4. Shall be responsible for recruiting drivers and passengers, and marketing

9 such applications.

10   m. The API mandated under subdivision l of this section shall, at a minimum, be capable

11 of the following:

12   1. Receiving vehicle location data from T-PEP and L-PEP and transmitting such

13 information to approved third-party applications;

14   2. Receiving dispatch requests from commission approved third-party e-hail applications

15 and forwarding requests to appropriate taxicabs and eligible HAIL vehicles;

16   3. Accepting dispatch requests and forwarding an acceptance to the e-hail application; and

17   4. Securely transmitting fare payment instructions from commission approved third-party

18 e-hail applications to the T-PEP or L-PEP system.

19   n. The commission shall create a privacy policy for the use of the API mandated under

20 subdivision k of this section. This privacy policy shall, at a minimum:

21   1. Prohibit third-party applications from obtaining information about taxicab drivers, other

22 than their names, commission drivers' license numbers and vehicle numbers; and

1   2. Prohibit drivers from obtaining personally identifiable information about their

2   passengers, provided however, a passenger may be given the option of waiving such privacy

3   protection.

4   o. The following integration shall be required of T-PEP and L-PEP systems via the API

5   mandated under subdivision l of this section, except that third-party e-hail application developers

6   shall not be required to use the following information:

7   1. Driver/medallion login information;

8   2. Itemized fare information; and

9   3. E-payments via a PCI-certified processing in order for such T-PEP and L-PEP systems

10   to be capable of accepting from the application payment information necessary to capture the trip

11   record and to provide a printed receipt.

12   p. The commission may by rule establish additional functions of the e-hail application other

13   than those required by and consistent with this section.

14   § 2. This local law takes effect 90 days after it becomes law, except that the commission

15   shall take all actions necessary for its implementation, including the promulgation of rules, prior

16   to such effective date.