



## Legislation Details (With Text)

**File #:** Int 0573-2014 **Version:** \* **Name:** Operation of horse drawn cabs.  
**Type:** Introduction **Status:** Committee  
**In control:** Committee on Transportation  
**On agenda:** 12/8/2014 **Final action:**  
**Enactment date:** **Enactment #:**

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to the operation of horse drawn cabs, displaced worker training and payment of HAIL license fees for accessible vehicles, and to repeal subdivisions c, o, p, q and r of section 17-330, relating to regulations for working carriage horses; subdivision a of section 17-334, relating to construction of subchapter 3 of chapter 3 of title 17, concerning carriage horses; section 17-334.1, relating to training and examination of horse drawn carriage drivers; section 19-174, relating to passengers boarding horse drawn cabs; section 19-175, relating to variances for special events; subdivisions 5 through 8 of section 20-372, relating to definitions concerning horse drawn cabs; subdivisions c and d of section 20-373, relating to license fees and duration for horse drawn cabs; subdivision c of section 20-374, relating to granting and transferring of licenses for horse drawn cabs; section 20-377, relating to inspection of horse drawn cabs; section 20-377.1, relating to insurance for horse drawn cabs; section 20-380, relating to rates of horse drawn cabs; section 20-381, relating to horse drawn cab driver's licenses; section 20-381.1, relating to area and time restrictions on operation of horse drawn cabs; section 20-381.2, relating to lighting and safety equipment for horse drawn cabs; section 20-382, relating to unlawful agreements by owners or horse drawn cab drivers; subdivisions b, c and d of section 20-383, relating to suspensions and revocations of licenses; and subdivision b of section 24-330, relating to watering horses attached to commercial vehicles.

**Sponsors:** Daniel Dromm, Ydanis A. Rodriguez, (by request of the Mayor)

**Indexes:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/8/2014	*	City Council	Introduced by Council	
12/8/2014	*	City Council	Referred to Comm by Council	

Int. No. 573

By Council Members Dromm and Rodriguez (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to the operation of horse drawn cabs, displaced worker training and payment of HAIL license fees for accessible vehicles, and to repeal subdivisions c, o, p, q and r of section 17-330, relating to regulations for working carriage horses; subdivision a of section 17-334, relating to construction of subchapter 3 of chapter 3 of title 17, concerning carriage horses; section 17-334.1, relating to training and examination of horse drawn carriage drivers; section 19-174, relating to passengers boarding horse drawn cabs; section 19-175, relating to variances for special events; subdivisions 5 through 8 of section 20-372, relating to definitions concerning horse drawn cabs; subdivisions c and d of section 20-373, relating to license fees and duration for horse drawn cabs; subdivision c of section 20-374, relating to granting and transferring of licenses for horse drawn cabs; section 20-377, relating to inspection of horse drawn cabs; section 20-377.1, relating to insurance for horse drawn cabs; section 20-380, relating to rates of horse drawn cabs; section 20-381, relating to horse drawn cab driver's licenses; section 20-381.1, relating to

area and time restrictions on operation of horse drawn cabs; section 20-381.2, relating to lighting and safety equipment for horse drawn cabs; section 20-382, relating to unlawful agreements by owners or horse drawn cab drivers; subdivisions b, c and d of section 20-383, relating to suspensions and revocations of licenses; and subdivision b of section 24-330, relating to watering horses attached to commercial vehicles.

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision a of section 10-127 of the administrative code of the city of New York is amended to read as follows:

1. The word “commercial vehicle,” shall mean any vehicle[, either horse drawn or motor driven,] used, constructed or equipped for the transportation of goods, wares or merchandise in trade or commerce.

§ 2. Section 17-326 of the administrative code of the city of New York is amended to read as follows:

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

(a) “Person” means an individual, partnership, corporation, association or other legal entity.

(b) “Veterinarian” means a person licensed to practice veterinary medicine in the state of New York.

(c) “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].

(d) “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.

(e) “Riding horse” means a horse which is available to the public for a fee for the purpose of riding.

(f) [“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.

(g)] “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].

[(h)] (g) “Rental horse” means a horse which is used in a rental horse business.

[(i)] (h) “Under tack” means that a horse is equipped for riding [or driving].

[(j)] (i) “ASPCA” means the American Society for the Prevention of Cruelty to Animals.

[(k)] (j) “Stable” means any place, establishment or facility where one or more rental horses are housed or maintained.

§ 3. Subdivision d of section 17-327 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:

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, a certification that the horse will not be sold or donated to an individual or organization for purposes of sale or resale for slaughter, or holding or transport for slaughter 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. No application for a license, application to renew a license, or an existing license 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 be valid after May

thirty-first, two thousand sixteen.

§ 4. Subdivisions a and d of section 17-327 of the administrative code of the city of New York, subdivision d as amended by section 3 of this local law, are amended to read as follows:

a. On and after January first, nineteen hundred eighty-two no person shall use or offer the use of a horse in a rental horse business unless such horse is licensed pursuant to the provisions of this subchapter. For purposes of this subchapter the use of a horse in a rental horse business means that a horse is used or offered for use by the public for a fee for the purpose of riding [or drawing a horse drawn vehicle or is used in the operation of a horse drawn vehicle for hire such as a horse drawn cab].

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, a certification that the horse will not be sold or donated to an individual or organization for purposes of sale or resale for slaughter, or holding or transport for slaughter 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 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. No application for a license, application to renew a license, or an existing license 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 be valid after May thirty-first, two thousand sixteen.

§ 5. Section 17-327 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. Carriage rides prohibited. As of June first, two thousand sixteen, it shall be unlawful to operate a horse-drawn vehicle in the city of New York or offer rides to the public on a vehicle drawn or pulled by a carriage horse. Notwithstanding the preceding sentence, horse-drawn vehicles may be permitted pursuant to a parade, special event or filming permit under conditions imposed by the agency issuing the permit and where the street or location permitted is otherwise closed to regular vehicular traffic. The horse and vehicle must be transported by another appropriate vehicle or vehicles to and from the site of the parade, special event or filming location.

§ 6. 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 department shall be notified of the transfer of ownership or other disposition of a licensed horse [within] at least ten days [thereafter] prior to such transfer of ownership or other disposition. Such notice shall include the date of disposition or sale and [if sold in New York city,] the name [and], address and telephone number of the buyer or other transferee and such other information as the commissioner may prescribe.

b. A horse shall not be sold or disposed of except in a humane manner, which, for the purposes of this subchapter, shall mean a horse may not be sold or donated to an individual or organization for purposes of slaughter, resale for slaughter, or holding or transport for slaughter. A horse owner shall provide a statement in a form prescribed by the commissioner certifying that the horse will be sold or donated for personal use and not for purposes of slaughter, resale for slaughter, or holding or transporting the horse for slaughter.

c. Records indicating the name, address and telephone number of the individual or organization to whom the horse was sold or donated together with the certification required by subdivision b of this section shall be sent by the owner to the department at least ten days before such sale or donation. A copy of such record shall be maintained by the department.

§ 7. Subdivision b of section 17-330 of the administrative code of the city of New York, as amended by local law number 10 for the year 2010, is amended to read as follows:

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.]

§ 7-a. Subdivision c of section 17-330 of the administrative code of the city of New York is REPEALED.

§ 8. Subdivisions d, e and f of section 17-330 of the administrative code of the city of New York are relettered subdivisions c, d and e.

§ 9. Subdivisions g and h of section 17-330 of the administrative code of the city of New York, subdivision g as amended by local law number 10 for the year 2010 and subdivision h as added by local law number two for the year 1994, are amended to read as follows:

[g.] f. [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.] g. [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.

§ 10. Subdivisions i, j and k of section 17-330 of the administrative code of the city of New York are relettered subdivisions h, i and j.

§ 11. Subdivision l of section 17-330 of the administrative code of the city of New York, as amended by local law number 10 for the year 2010, is amended to read as follows:

[l.] k. 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.

§ 12. Subdivisions m and n of section 17-330 of the administrative code of the city of New York are relettered subdivisions l and m, and subdivisions o, p, q and r are REPEALED.

§ 13. Subdivisions a and b of section 17-331 of the administrative code of the city of New York are amended to read as follows:

a. The commissioner shall appoint an advisory board consisting of five members as follows:

1. [Two members] One member shall be appointed from among the owners of rental horse businesses operating within the city [, one of whom 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].

2. [Two] Three members shall be appointed from the public at large. However, in no event shall

more than one person so appointed to the board be a member of the board of directors or an employee of any animal humane society or association.

3. One member shall be a veterinarian.

b. The terms of office of the members of the board shall be three years [except that the terms of office of the members first appointed shall be as follows:

1. Two of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-two.

2. Two of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-three.

3. One of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-four].

§ 14. Section 17-332 of the administrative code of the city of New York, as added by local law number 2 for the year 1994, is amended to read as follows:

§ 17-332 Violations. a. Any violation of this subchapter, or of any of the rules promulgated hereunder, shall be considered a misdemeanor and upon conviction thereof be punishable by a fine of not less than one hundred dollars nor more than [five hundred] twenty-five thousand dollars or by imprisonment not exceeding fifteen days, or both.

b. In lieu of criminal prosecution, any violation of this subchapter or any of the rules promulgated hereunder may be prosecuted as civil violations subject to a civil penalty of not less than twenty-five dollars nor more than [five hundred] twenty-five thousand dollars or by the suspension or revocation of a license and the suspension from work of the horse with respect to which the act that caused the violation was committed or by both such civil penalty and suspension. Civil violations, under this section, shall be adjudicated before the [administrative tribunal of the department] ] at the environmental control board or any tribunal established within the office of administrative trials and hearings designated by the commissioner.

§ 15. Subdivision a of section 17-334 of the administrative code of the city of New York is REPEALED and subdivisions b and c are relettered subdivisions a and b.

§ 16. Sections 17-334.1, 19-174 and 19-175 of the administrative code of the city of New York are REPEALED.

§ 17. Section 20-371 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 of nineteen hundred sixty-four 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.]

§ 18. Subdivisions 1 and 3 of section 20-372 of the administrative code of the city of New York, as amended by local law number 31 for the year 1995, are amended to read as follows:

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.

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.

§ 19. Subdivisions 5 through 8 of section 20-372 of the administrative code of the city of New York are REPEALED and subdivisions 9 and 10 are renumbered subdivisions 5 and 6.

§ 20. Subdivisions a and b of section 20-373 of the administrative code of the city of New York are amended to read as follows:

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].

§ 21. Subdivisions c and d of section 20-373 of the administrative code of the city of New York are REPEALED.

§ 22. Section 20-374 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Licenses to operate a horse-drawn cab that would otherwise expire on March thirty-first, two thousand sixteen shall be valid until May thirty-first, two thousand sixteen, and shall not be renewable thereafter.

§ 23. Subdivisions a and b of section 20-374 of the administrative code of the city of New York are amended to read as follows:

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 horse-drawn 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.]

§ 24. Subdivision c of section 20-374 of the administrative code of the city of New York is REPEALED.

§ 25. 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.

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

§ 27. 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.

§ 28. 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.

§ 29. Sections 20-380, 20-381, 20-381.1, 20-381.2 and 20-382 of the administrative code of the city of New York are REPEALED.

§ 30. Subdivisions b, c and d of section 20-383 of the administrative code of the city of New York are REPEALED.

§ 31. Title 20 of the administrative code of the city of New York is amended by adding a new section 20-384.1 to read as follows:

§ 20-384.1 Displaced worker training for former horse drawn cab drivers, owners and those employed in stables housing or maintaining carriage horses. a. Persons holding a horse drawn cab driver's license, a horse carriage license, a license for a horse used in the operation of a horse drawn cab and those employed in a stable that houses or maintains a horse used in the operation of a horse drawn cab shall be offered training similar to other displaced workers to transition into a different industry or industries. Training shall be offered at such times and in such manner as shall be prescribed by the commissioner of small business services.

b. Such training shall be available only to persons holding a horse drawn cab driver's license, a horse carriage license, a license for a horse used in the operation of a horse drawn cab valid between June first, two thousand fourteen and May thirty-first, two thousand sixteen, or to persons employed in a stable that houses or maintains a horse used in the operation of a horse drawn cab between June first, two thousand fourteen and May thirty-first, two thousand sixteen.

c. The commissioner of small business services shall promulgate such rules as are necessary to carry out the provisions of this section.

§ 32. Subdivision b of section 24-330 of the administrative code of the city of New York is REPEALED.

§ 33. Persons or entities holding a horse drawn cab driver's license or a horse carriage license valid between June first, two thousand fourteen and May thirty-first, two thousand sixteen who otherwise meet all of the requirements established by law, rule or regulation for issuance of a HAIL license under chapter 9 of the laws of 2012, shall be eligible for payment by the city of New York of the initial HAIL license fee required by subdivision d of section 5 of chapter 9 of the laws of 2012. Provided, that such payment shall be made only

with respect to the initial fee for HAIL licenses that are restricted to accessible vehicles. Such HAIL licenses shall otherwise be subject to all of the requirements established by law, rule or regulation applicable to HAIL licenses.

§ 34. Separability. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that was adjudged to be invalid.

§ 35. a. This local law shall take effect on June 1, 2016, except that sections three, six, fourteen and twenty two of this local law shall take effect immediately, and except that the commissioners of health and mental hygiene, transportation, consumer affairs, and the police commissioner shall take all actions necessary, including the promulgation or repeal of rules, if necessary, to implement this local law on the date upon which it shall take effect. Section three of this local law shall expire and be deemed repealed as of May 31, 2016.

b. Any provision of law amended or repealed by this local law as of June 1, 2016 shall, to the extent necessary for the sole purpose of adjudicating any violation issued before June 1, 2016, be deemed to remain in effect as such provision was in effect before June 1, 2016. Adjudication shall include the imposition of liability for and the collection of any civil penalty for any such violation.