



Julie Menin
Commissioner

42 Broadway
9th Floor
New York, NY 10004

nyc.gov/consumers

August 6, 2015

Legal Interpretation: Online Reservation and Pre-Payment Services for Horse Drawn Cab and Pedicab Operators

The New York City Department of Consumer Affairs (the “Department” or “DCA”) issues this interpretation regarding whether horse drawn cab and pedicab companies can offer advance reservations on their websites and charge additional, “convenience” fees to customers who make online reservations of horse drawn cab and/or pedicab rides. For the reasons outlined below, the Department concludes that only online reservation of horse drawn cab rides is permissible. Charging additional fees, including convenience fees, for online reservations is not permissible.

(i) Horse Drawn Cab Rides

Section 20-380 of the New York City Administrative Code (“Code”) sets forth the rates for horse drawn cab rides and provides, “[t]he amount to be charged and collected for the use of a horse drawn cab by one or more passengers shall be the total of the following items: fifty dollars for the first twenty minutes or fraction thereof and twenty dollars for each additional ten minutes thereafter.” § 2-212(b)(2) of Title 6 of the Rules of the City of New York (“Rules” or “RCNY”) prohibits any “direct or indirect charge of any kind” to “be made to a passenger for any reason other than the charges permitted by law.”

Neither Section 20-380 of the Code nor 6 RCNY § 2-212(b)(2) prohibits advertising or operating an online reservation system for horse drawn cab rides. However, the convenience fee, which would constitute a “direct or indirect charge,” is prohibited by 6 RCNY § 2-212(b)(2). Thus, horse drawn cab companies cannot charge consumers convenience fees for reserving horse drawn cab rides in advance of the rides through an online reservation system.

(ii) Pedicab Rides

Section 20-260(a) of the Code provides,

Rates for pedicab rides shall be based on time calculated per minute per ride. Each pedicab driver shall make such calculation using the timer affixed to the pedicab pursuant to paragraph 12 of subdivision a of section 20-254 of this subchapter. Each pedicab driver shall activate such timer when all passengers are seated and



the pedicab ride commences, and shall stop the timer when the pedicab has reached its destination and the pedicab is at a full stop.

Section 20-260(a)(1) of the Code states that it is unlawful “for a pedicab driver to charge any added fee.” Section 20-260(c) requires each pedicab to display the price to be charged per minute per ride on a pedicab information card affixed to the pedicab.

Read together, these provisions mandate that the fare for a pedicab ride must be calculated by the pedicab driver on the day of the ride according to the “per minute per ride” rate displayed on the pedicab information card. Furthermore, since the actual length of the ride is determined by the timer affixed to the pedicab, the price can only be accurately determined by the pedicab driver who operates the timer on the day of the ride. Accordingly, an online reservation system, which seeks to charge customers in advance of their rides, is impermissible.

To access the laws and rules relevant to horse drawn cabs and pedicabs, please visit the Department’s website at nyc.gov/BusinessToolbox to reference.