S T A T E O F N E W Y O R K

1254

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to requiring motor vehicle carriers to be identified in English

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

Section 1. The general business law is amended by adding a new section 390-d to read as follows:

S 390-D. IDENTIFICATION OF MOTOR CARRIERS. 1. NO PERSON, FIRM, CORPORATION, ASSOCIATION OR OTHER BUSINESS ENTITY SHALL OPERATE ANY MOTOR VEHICLE CARRIER WITHOUT IDENTIFYING THE NAME OF SUCH MOTOR VEHICLE CARRIER ON EACH MOTOR VEHICLE IN ENGLISH IN A FORM AND MANNER TO BE DETERMINED BY THE COMMISSIONER OF MOTOR VEHICLES.

2. FOR THE PURPOSES OF THIS SECTION, "MOTOR VEHICLE CARRIER" SHALL MEAN ANY COMMON CARRIER OF PASSENGERS BY MOTOR VEHICLE, COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE, CONTRACT CARRIER OF PASSENGERS BY MOTOR VEHICLE, AND CONTRACT CARRIER OF PROPERTY BY MOTOR VEHICLE AS SUCH TERMS ARE DEFINED IN SUBDIVISIONS SEVEN, EIGHT, NINE AND TEN, RESPECTIVELY, OF SECTION TWO OF THE TRANSPORTATION LAW WHEN SUCH COMMON CARRIERS POSSESS SUCH APPROPRIATE OPERATING AUTHORITY AS IS REQUIRED BY APPLICABLE LAW.

3. WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION AN APPLICATION MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL PROCEEDING TO ISSUE AN INJUNCTION, AND UPON NOTICE TO THE DEFENDANT OF NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATIONS; AND IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT HAS, IN FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE ISSUED BY THE COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATIONS, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR DAMAGED THEREBY. IN ANY SUCH PROCEEDING, THE COURT MAY MAKE ALLOWANCES TO THE ATTORNEY GENERAL AS

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

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PROVIDED IN PARAGRAPH SIX OF SUBDIVISION (A) OF SECTION EIGHTY-THREE HUNDRED THREE OF THE CIVIL PRACTICE LAW AND RULES, AND DIRECT RESTITUTION. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH VIOLATION. EACH INCIDENCE OF A MOTOR VEHICLE CARRIER NOT LABELED IN ENGLISH IN VIOLATION OF THIS SECTION SHALL CONSTITUTE A SEPARATE VIOLATION. IN CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND TO ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.