

5002--A

2013-2014 Regular Sessions

I N   S E N A T E

May 3, 2013

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Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation 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 transportation law, in relation to increasing the penalties for violations by carriers of household goods

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

1     Section 1. Subdivisions 3 and 4 of section 145 of the transportation  
2     law, subdivision 3 as added by chapter 635 of the laws of 1983 and  
3     subdivision 4 as amended by chapter 349 of the laws of 1993, are amended  
4     to read as follows:  
5     3. In addition to, or in lieu of, any sanctions set forth in this  
6     section, the commissioner may, after a hearing, impose a penalty not to  
7     exceed a maximum of five thousand dollars in any one proceeding upon any  
8     person if the commissioner finds that such person or officer, agent or  
9     employee thereof has failed to comply with the requirements of this  
10    chapter or any rule, regulation or order of the commissioner promulgated  
11    thereunder; PROVIDED, HOWEVER, THAT THE COMMISSIONER MAY, AFTER A HEAR-  
12    ING, IMPOSE A PENALTY NOT TO EXCEED A MAXIMUM OF SEVEN THOUSAND FIVE  
13    HUNDRED DOLLARS IN ANY ONE PROCEEDING UPON ANY PERSON IF THE COMMISSION-  
14    ER FINDS THAT SUCH PERSON OR OFFICER, AGENT OR EMPLOYEE THEREOF HAS  
15    FAILED TO COMPLY WITH THE REQUIREMENTS OF ARTICLE NINE OF THIS CHAPTER.  
16    If such penalty is not paid within four months, the amount thereof may  
17    be entered as a judgment in the office of the clerk of the county of  
18    Albany and in any other county in which the person resides, has a place  
19    of business or through which it operates. Thereafter, if said judgment  
20    has not been satisfied within ninety days, any certificate or permit  
21    held by any such person may be revoked upon notice but without a further  
22    hearing. Provided, however, that if a person shall apply for a rehear-

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

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1 ing of the determination of the penalty pursuant to the provisions of  
2 section eighty-nine of this chapter, judgment shall not be entered until  
3 a determination has been made on the application for a rehearing.  
4 Further provided however, that if after a rehearing a penalty is imposed  
5 and such penalty is not paid within four months of the date of service  
6 of the rehearing decision, the amount of such penalty may be entered as  
7 a judgment in the office of the clerk of the county of Albany and in any  
8 other county in which the person resides, has a place of business or  
9 through which it operates. Thereafter, if said judgment has not been  
10 satisfied within ninety days, any certificate or permit held by any such  
11 person may be revoked upon notice but without a further hearing.

12 4. If after notice and opportunity to be heard, the commissioner shall  
13 find that any person or persons is or are providing transportation  
14 subject to regulation under this chapter without having any certificate  
15 or permit, or is or are holding themselves out to the public by adver-  
16 tising or any other means to provide such transportation without having  
17 any certificate or permit or approval from a city having jurisdiction  
18 pursuant to section eighty of this chapter, the commissioner may notify  
19 the commissioner of motor vehicles to that effect and the commissioner  
20 of motor vehicles shall thereupon suspend the registration or registra-  
21 tions of all motor vehicles owned or operated by such person or persons  
22 except private passenger automobiles until such time as the commissioner  
23 [of transportation] may give notice that the violation has been satis-  
24 factorily adjusted. PROVIDED, FURTHER, THAT IF AFTER NOTICE AND OPPOR-  
25 TUNITY TO BE HEARD, THE COMMISSIONER SHALL FIND THAT ANY PERSON OR  
26 PERSONS HAS VIOLATED THE PROVISIONS OF ARTICLE NINE OF THIS CHAPTER, THE  
27 COMMISSIONER MAY NOTIFY THE COMMISSIONER OF MOTOR VEHICLES TO THAT  
28 EFFECT AND THE COMMISSIONER OF MOTOR VEHICLES SHALL THEREUPON SUSPEND  
29 THE REGISTRATION OR REGISTRATIONS OF ALL MOTOR VEHICLES OWNED OR OPER-  
30 ATED BY SUCH PERSON OR PERSONS EXCEPT PRIVATE PASSENGER AUTOMOBILES  
31 UNTIL SUCH TIME AS THE COMMISSIONER MAY GIVE NOTICE THAT THE VIOLATION  
32 HAS BEEN SATISFACTORILY ADJUSTED. The commissioner of motor vehicles  
33 shall have the authority to deny a registration or renewal application  
34 to any other person for the same vehicle and may deny a registration or  
35 renewal application for any other motor vehicle registered in the name  
36 of the applicant where it has been determined that such registrant's  
37 intent has been to evade the purposes of this subdivision and where the  
38 commissioner of motor vehicles has reasonable grounds to believe that  
39 such registration or renewal will have the effect of defeating the  
40 purposes of this subdivision. The procedure on any such suspension shall  
41 be the same as in the case of a suspension under the vehicle and traffic  
42 law. Operation of any motor vehicle while under suspension as [herein]  
43 provided IN THIS PARAGRAPH shall constitute a class A misdemeanor.

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