

5002

2013-2014 Regular Sessions

I N S E N A T E

May 3, 2013

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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 TWENTY-FIVE THOUSAND
13 DOLLARS IN ANY ONE PROCEEDING UPON ANY PERSON IF THE COMMISSIONER FINDS
14 THAT SUCH PERSON OR OFFICER, AGENT OR EMPLOYEE THEREOF HAS FAILED TO
15 COMPLY WITH REQUIREMENTS OF ARTICLE NINE OF THIS CHAPTER. If such
16 penalty is not paid within four months, the amount thereof may be
17 entered as a judgment in the office of the clerk of the county of Albany
18 and in any other county in which the person resides, has a place of
19 business or through which it operates. Thereafter, if said judgment has
20 not been satisfied within ninety days, any certificate or permit held by
21 any such person may be revoked upon notice but without a further hear-
22 ing. Provided, however, that if a person shall apply for a rehearing of
23 the determination of the penalty pursuant to the provisions of section
24 eighty-nine of this chapter, judgment shall not be entered until a
25 determination has been made on the application for a rehearing. Further

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

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1 provided however, that if after a rehearing a penalty is imposed and
2 such penalty is not paid within four months of the date of service of
3 the rehearing decision, the amount of such penalty may be entered as a
4 judgment in the office of the clerk of the county of Albany and in any
5 other county in which the person resides, has a place of business or
6 through which it operates. Thereafter, if said judgment has not been
7 satisfied within ninety days, any certificate or permit held by any such
8 person may be revoked upon notice but without a further hearing.

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

40 (B) IF AFTER NOTICE AND OPPORTUNITY TO BE HEARD, THE COMMISSIONER
41 SHALL FIND THAT ANY PERSON OR PERSONS IS OR ARE PROVIDING TRANSPORTATION
42 SERVICES PURSUANT TO ARTICLE NINE OF THIS CHAPTER WITHOUT HAVING ANY
43 CERTIFICATE OR PERMIT, THE COMMISSIONER MAY NOTIFY THE COMMISSIONER OF
44 MOTOR VEHICLES TO THAT EFFECT AND THE COMMISSIONER OF MOTOR VEHICLES
45 SHALL THEREUPON SUSPEND THE DRIVER'S LICENSE OF SUCH PERSON OR PERSONS
46 FOUND TO BE OPERATING IN VIOLATION OF ARTICLE NINE OF THIS CHAPTER.

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