

# STATE OF NEW YORK

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8214--A

2019-2020 Regular Sessions

## IN ASSEMBLY

June 7, 2019

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Introduced by M. of A. SANTABARBARA, ASHBY -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the transportation law, in relation to requiring the commissioner of transportation to establish methods of reporting safety issues with stretch limousines

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 138 of the transportation law is amended by adding  
2 a new subdivision 10 to read as follows:

3 10. (a) In consultation and cooperation with the commissioner of motor  
4 vehicles, to establish, maintain, monitor, and publicize a smartphone  
5 application, website and toll-free hotline through which any person may  
6 report safety issues with altered motor vehicles commonly referred to as  
7 "stretch limousines" having a seating capacity of nine or more passen-  
8 gers, including the driver, used in the business of transporting passen-  
9 gers for compensation. Upon the establishment of such smartphone appli-  
10 cation, website, and toll-free hotline, the commissioner and the  
11 commissioner of motor vehicles shall require every such altered motor  
12 vehicle registered in this state to have posted therein a notice provid-  
13 ing the website address, toll-free hotline number, and information on  
14 how to download the smartphone application, in a form and manner  
15 approved by the commissioner of motor vehicles. Such notice shall be  
16 posted in a manner legible and conspicuous to passengers in all seating  
17 positions of such altered motor vehicles. For the purposes of this  
18 subdivision, the term "safety issues" shall include, but not be limited  
19 to, the operational condition and functioning of such altered motor  
20 vehicle, motor vehicle safety equipment availability and condition,  
21 altered motor vehicle inspection and registration, issues related to

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

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1 certificates or permits issued to such altered motor vehicles for the  
2 transportation of passengers by the United States department of trans-  
3 portation or the commissioner, and alleged violations of article nine-  
4 teen, article nineteen-A, or title VII of the vehicle and traffic law by  
5 a person during his or her operation of such an altered motor vehicle.

6 (b) (i) The commissioner may investigate reports received by such  
7 application, website, and toll-free hotline related to the provisions of  
8 this article or article seven of this chapter and, where the commission-  
9 er has verified such information, may consider such verified information  
10 in the enforcement of such articles, and in setting priorities for  
11 enforcement activities.

12 (ii) The commissioner of motor vehicles may investigate reports  
13 received by such application, website, and toll-free hotline related to  
14 the provisions of article five, section three hundred eighty-three,  
15 article fourteen, article nineteen, article nineteen-A, and title VII of  
16 the vehicle and traffic law and, where substantiated by such commission-  
17 er, may consider such substantiated information in the enforcement of  
18 articles five, fourteen, and nineteen-A and section three hundred eight-  
19 y-three of such law, and in setting priorities for enforcement activ-  
20 ities.

21 (iii) In consultation and cooperation with the commissioner of motor  
22 vehicles, the commissioner shall report on safety issues reported to  
23 such application, website, and toll-free hotline and related investi-  
24 gations summarizing (A) the total number of safety issue reports  
25 received and the type of safety issues reported; (B) the total number of  
26 safety issue reports received and the type of safety issues reported  
27 where the commissioner or the commissioner of motor vehicles, as appli-  
28 cable, verified the information provided; (C) enforcement actions and  
29 other responses taken by the commissioner or the commissioner of motor  
30 vehicles, as applicable, to safety issue reports received where the  
31 commissioner or the commissioner of motor vehicles, as applicable, has  
32 verified such information; and (D) the length of time between the  
33 receipt of safety issue reports from such application, website, or  
34 hotline and enforcement action or other response by the commissioner or  
35 the commissioner of motor vehicles, as applicable. Such report shall be  
36 made publicly available on the department's website in a searchable  
37 format, and shall be published no less than once annually. Such report  
38 may also be included within the department's annual report submitted  
39 pursuant to subdivision thirteen of section fourteen of this chapter.

40 (c) For the purposes of this subdivision, "smartphone application"  
41 shall mean application software designed to be downloaded to, run on,  
42 and accessed by, mobile devices including portable electronic devices  
43 and mobile telephones with computing capability.

44 § 2. This act shall take effect one year after it shall have become a  
45 law. Effective immediately, the addition, amendment and/or repeal of any  
46 rule or regulation necessary for the implementation of this act on its  
47 effective date are authorized to be made and completed on or before such  
48 effective date.