

STATE OF NEW YORK

8302

2019-2020 Regular Sessions

IN ASSEMBLY

June 13, 2019

Introduced by M. of A. MAGNARELLI -- read once and referred to the
Committee on Transportation

AN ACT to amend the transportation law, in relation to allowing the
commissioner of transportation to impound stretch limousines in
certain situations

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

1 Section 1. Paragraph b of subdivision 9 of section 140 of the trans-
2 portation law, as amended by section 3 of part III of chapter 59 of the
3 laws of 2019, is amended to read as follows:
4 b. (i) Whenever an altered motor vehicle commonly referred to as a
5 "stretch limousine" has failed an inspection and been placed out-of-ser-
6 vice, the commissioner may direct a police officer or his or her agent
7 to immediately secure possession of the number plates of such vehicle
8 and return the same to the commissioner of motor vehicles. The commis-
9 sioner shall notify the commissioner of motor vehicles to that effect,
10 and the commissioner of motor vehicles shall thereupon suspend the
11 registration of such vehicle until such time as the commissioner gives
12 notice that the out-of-service defect has been satisfactorily adjusted.
13 Provided, however, that the commissioner shall give notice and an oppor-
14 tunity to be heard within not more than thirty days of the suspension.
15 Failure of the holder or of any person possessing such plates to deliver
16 to the commissioner or his or her agent who requests the same pursuant
17 to this paragraph shall be a misdemeanor. The commissioner of motor
18 vehicles shall have the authority to deny a registration or renewal
19 application to any other person for the same vehicle where it has been
20 determined that such registrant's intent has been to evade the purposes
21 of this paragraph and where the commissioner of motor vehicles has
22 reasonable grounds to believe that such registration or renewal will
23 have the effect of defeating the purposes of this paragraph. The proce-
24 dure on any such suspension shall be the same as in the case of a

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

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1 suspension under the vehicle and traffic law. Operation of such motor
2 vehicle while under suspension as provided in this subdivision shall
3 constitute a class A misdemeanor.

4 (ii) (a) Upon the seizure of number plates pursuant to subparagraph
5 (i) of this paragraph, if the out-of-service defect is of a type where
6 pursuant to the commissioner's regulations no inspection certificate
7 will be issued until the defect is repaired and a re-inspection is
8 conducted, or is related to its horn, and the commissioner determines
9 that allowing the altered motor vehicle to leave the inspection area
10 would be contrary to public safety, the commissioner may remove or
11 arrange for the removal of the altered motor vehicle to a garage or
12 other place of safety under the commissioner's jurisdiction where it
13 shall remain impounded, subject to the provisions of this section. The
14 altered motor vehicle shall be entered into the New York statewide
15 police information network as an impounded vehicle and the commissioner
16 shall promptly notify the owner that the altered motor vehicle has been
17 impounded and the reason or reasons for such impoundment, and give such
18 owner an opportunity to be heard.

19 (b) A motor vehicle so impounded shall be in the custody of the
20 commissioner and shall not be released unless the commissioner is satis-
21 fied that repairs have been scheduled or been made to satisfactorily
22 adjust such vehicle's out-of-service defect or defects, and payment has
23 been made to the commissioner for the reasonable costs of removal and
24 storage of the altered motor vehicle. The registered owner of the vehi-
25 cle shall be responsible for such payment.

26 (c) When an altered motor vehicle seized and impounded pursuant to
27 this subparagraph has been in the custody of the commissioner for thirty
28 days, the commissioner shall notify the owner and the lienholder, if
29 any, at his or her last known address by certified mail, return receipt
30 requested, that if repairs are not scheduled or made and the vehicle not
31 retrieved pursuant to clause (b) of this subparagraph within thirty days
32 from the date the notice is given, the commissioner may dispose of such
33 vehicle as an abandoned vehicle pursuant to section twelve hundred twenty-
34 four of the vehicle and traffic law and may seek to recover towing
35 and storage costs in a civil action in the name of the people of the
36 state of New York. Towing and storage costs recovered in a civil action
37 under this clause shall be paid to the commissioner for deposit into the
38 state treasury.

39 (d) If an altered motor vehicle has been seized and not retrieved
40 pursuant to the provisions of this subparagraph within thirty days from
41 the date notice is given pursuant to clause (c) of this subparagraph,
42 such altered motor vehicle shall be deemed an abandoned vehicle and the
43 commissioner may dispose of such altered motor vehicle pursuant to
44 section twelve hundred twenty-four of the vehicle and traffic law.
45 Before any such disposal, the commissioner shall give ten days' notice
46 to the owner, who shall have an opportunity to appear and retrieve such
47 altered motor vehicle in accordance with clause (b) of this subparagraph
48 within ten days of the date such notice is given.

49 (e) An altered motor vehicle abandoned in accordance with the
50 provisions of this section shall be and become the property of the
51 department, subject however to any lien that was recorded prior to the
52 seizure.

53 (f) When an altered motor vehicle has been seized and impounded pursu-
54 ant to this subparagraph, the commissioner shall make the altered motor
55 vehicle available or grant access to it to any owner or any person
56 designated or authorized by such owner for the purpose of (I) taking

1 possession of any personal property found within the altered motor vehi-
2 cle and (II) obtaining proof of registration, financial security, title
3 or documentation in support thereof.

4 § 2. This act shall take effect on the one hundred eightieth day after
5 it shall have become a law. Effective immediately, the addition, amend-
6 ment and/or repeal of any rule or regulation necessary for the implemen-
7 tation of this act on its effective date are authorized to be made and
8 completed on or before such effective date.