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

762

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GANTT, WEISENBERG, PRETLOW -- Multi-Sponsored by -- M. of A. BING, CAHILL, CARROZZA, CUSICK, FIELDS, HYER-SPENCER, JOHN, KOON, MAGEE, PAULIN, RAMOS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to expanding the definition of bus

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

Section 1. Subdivision 1 of section 509-a of the vehicle and traffic law, as amended by chapter 853 of the laws of 1992, is amended to read as follows:

(1) bus shall mean every motor vehicle, owned, leased, rented or otherwise controlled by a motor carrier, which (a) is a school bus (I) as defined in section one hundred forty-two of this chapter [or]; (II) WHICH IS OWNED BY A PUBLIC OR GOVERNMENTAL AGENCY, PRE-SCHOOL, NURSERY SCHOOL OR PRIVATE SCHOOL AND OPERATED FOR THE TRANSPORTATION OF CHILDREN LESS THAN SCHOOL AGE, TEACHERS AND OTHER PERSONS ACTING IN A SUPERVISORY CAPACITY, TO AND FROM A PRE-SCHOOL, NURSERY SCHOOL OR SCHOOL ACTIVITIES OR PRIVATELY OWNED AND OPERATED FOR COMPENSATION FOR THE TRANSPORTATION OF CHILDREN LESS THAN SCHOOL AGE, TEACHERS AND OTHER PERSONS ACTING IN A SUPERVISORY CAPACITY TO OR FROM A PRE-SCHOOL, NURSERY SCHOOL OR SCHOOL ACTIVITIES PURSUANT TO AN AGREEMENT WITH SUCH PUBLIC OR GOVERNMENTAL AGENCY, PRE-SCHOOL OR NURSERY SCHOOL; OR (III) has a seating capacity of more than ten adult passengers in addition to the driver and which is used for the transportation of persons under the age of twenty-one or persons of any age who are mentally or physically disabled to a place of vocational, academic or religious instruction or religious service including nursery schools, day care centers and camps, (b) is required to obtain approval to operate in the state as a common or contract carrier of passengers by motor vehicle from the commissioner of trans-

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

portation, or the interstate commerce commission, (c) is regulated as a bus line by a city that has adopted an ordinance, local law or charter to regulate or franchise bus line operations pursuant to subdivision four of section eighty of the transportation law, (d) is regulated as a van service or other common carrier of passengers by motor vehicle covered under article seven of the transportation law by a city with a population of over one million pursuant to an ordinance or local law adopted pursuant to subdivision five of section eighty of the transportation law or (e) is operated by a transit authority or municipality and is used to transport persons for hire. Provided, however, that bus shall not mean an authorized emergency vehicle operated in the course of an emergency, or a motor vehicle used in the transportation of agricultural workers to and from their place of employment;

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