

4441

2009-2010 Regular Sessions

I N S E N A T E

April 23, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to unlawful solicitation of ground transportation services on public roads and within public parking lots

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

- 1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1220-d to read as follows:
3 S 1220-D. UNLAWFUL SOLICITATION OF GROUND TRANSPORTATION SERVICES ON
4 PUBLIC ROADS AND WITHIN PUBLIC PARKING LOTS. 1. NO PERSON SHALL UNLAW-
5 FULLY SOLICIT GROUND TRANSPORTATION SERVICES ON PUBLIC ROADS AND WITHIN
6 PUBLIC PARKING LOTS. A PERSON UNLAWFULLY SOLICITS GROUND TRANSPORTATION
7 SERVICES WHEN SUCH PERSON, WITHOUT BEING AUTHORIZED TO DO SO BY ANY
8 PROVISION OF THIS CHAPTER OR ANY OTHER LAW, OR WITHOUT HAVING MADE A
9 PRIOR AGREEMENT TO PROVIDE GROUND TRANSPORTATION SERVICES TO A SPECIFIC
10 PATRON, ENGAGES OR OFFERS TO ENGAGE IN ANY BUSINESS, TRADE OR COMMERCIAL
11 TRANSACTION INVOLVING THE RENDERING TO ANOTHER PERSON OF ANY GROUND
12 TRANSPORTATION SERVICES.
13 2. AS USED IN THIS SECTION, THE TERM "GROUND TRANSPORTATION SERVICE"
14 SHALL MEAN A SERVICE OFFERING TRANSPORTATION BY ANY VEHICLE INCLUDING A
15 CAR, LIMOUSINE, VAN OR BUS.
16 3. ANY PERSON WHO ENGAGES IN THE UNLAWFUL SOLICITATION OF GROUND
17 TRANSPORTATION SERVICES IN VIOLATION OF THIS SECTION SHALL FOR A FIRST
18 CONVICTION THEREOF BE PUNISHED BY A FINE OF NOT LESS THAN ONE HUNDRED
19 DOLLARS NOR MORE THAN TWO HUNDRED FIFTY DOLLARS, OR BY IMPRISONMENT OF
20 NOT MORE THAN FIFTEEN DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT; FOR A
21 SECOND CONVICTION THEREOF, BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD
22 OF TWELVE MONTHS, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS
23 THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS, OR BY
24 IMPRISONMENT OF NOT MORE THAN THIRTY DAYS OR BY BOTH SUCH FINE AND

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

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1 IMPRISONMENT; UPON A THIRD OR SUBSEQUENT CONVICTION THEREOF, ALL OF
2 WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH PERSON
3 SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN
4 SEVEN HUNDRED FIFTY DOLLARS, NOR MORE THAN ONE THOUSAND FIVE HUNDRED
5 DOLLARS, OR BY IMPRISONMENT OF NOT MORE THAN FORTY-FIVE DAYS, OR BY BOTH
6 SUCH FINE AND IMPRISONMENT. NOTWITHSTANDING ANY CONTRARY PROVISION OF
7 LAW, ANY CHARGE ALLEGING A VIOLATION OF THIS SECTION SHALL BE RETURNABLE
8 BEFORE A COURT HAVING JURISDICTION OVER MISDEMEANORS.

9 S 2. This act shall take effect immediately.