

7358--A

2013-2014 Regular Sessions

I N A S S E M B L Y

May 14, 2013

Introduced by M. of A. CUSICK -- 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 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 SEVEN THOUSAND FIVE
13 HUNDRED DOLLARS IN ANY ONE PROCEEDING UPON ANY PERSON IF THE COMMISSION-
14 ER FINDS THAT SUCH PERSON OR OFFICER, AGENT OR EMPLOYEE THEREOF HAS
15 FAILED TO COMPLY WITH THE REQUIREMENTS OF ARTICLE NINE OF THIS CHAPTER.
16 If such penalty is not paid within four months, the amount thereof may
17 be entered as a judgment in the office of the clerk of the county of
18 Albany and in any other county in which the person resides, has a place
19 of business or through which it operates. Thereafter, if said judgment
20 has not been satisfied within ninety days, any certificate or permit
21 held by any such person may be revoked upon notice but without a further
22 hearing. Provided, however, that if a person shall apply for a rehear-

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

LBD10750-02-4

1 ing of the determination of the penalty pursuant to the provisions of
2 section eighty-nine of this chapter, judgment shall not be entered until
3 a determination has been made on the application for a rehearing.
4 Further provided however, that if after a rehearing a penalty is imposed
5 and such penalty is not paid within four months of the date of service
6 of the rehearing decision, the amount of such penalty may be entered as
7 a judgment in the office of the clerk of the county of Albany and in any
8 other county in which the person resides, has a place of business or
9 through which it operates. Thereafter, if said judgment has not been
10 satisfied within ninety days, any certificate or permit held by any such
11 person may be revoked upon notice but without a further hearing.

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

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