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

6215

I N S E N A T E

(PREFILED)

January 8, 2014

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

AN ACT to amend the penal law, in relation to theft of services and establishing the crime of unlawful purchase, sale or possession of a license plate hiding device; to amend the public authorities law, in relation to the imposition of penalties and administrative fees for toll evaders; and to amend the vehicle and traffic law, in relation to the suspension of a registration of a toll evader

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

Section 1. Subdivision 3 and the closing paragraph of section 165.15 of the penal law, the closing paragraph as amended by chapter 491 of the laws of 1992, are amended to read as follows:

3. With intent to obtain railroad, subway, bus, air, taxi or any other public transportation service OR TO USE ANY HIGHWAY, PARKWAY, ROAD, BRIDGE OR TUNNEL without payment of the lawful charge OR TOLL therefor, or to avoid payment of the lawful charge OR TOLL for such transportation service which has been rendered to him OR HER OR FOR SUCH USE OF ANY HIGHWAY, PARKWAY, ROAD, BRIDGE OR TUNNEL, he OR SHE obtains or attempts to obtain such service OR USE or avoids or attempts to avoid payment therefor by force, intimidation, stealth, deception or mechanical tampering, or by unjustifiable failure or refusal to pay; or

Theft of services is a class A misdemeanor, provided, however, that theft of cable television service as defined by the provisions of paragraphs (a), (c) and (d) of subdivision four of this section, and having a value not in excess of one hundred dollars by a person who has not been previously convicted of theft of services under subdivision four of this section is a violation, that theft of services under subdivision nine of this section by a person who has not been previously convicted of theft of services under subdivision nine of this section is a violation and provided further, however, that theft of [services of] any [telephone] service [under paragraph (a) or (b) of subdivision five of this section] having a value in excess of one thousand dollars or by a

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

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person who has been previously convicted within five years of theft of services under paragraph (a) of subdivision five of this section is a class E felony.

S 2. The penal law is amended by adding a new section 165.75 to read as follows:

S 165.75 UNLAWFUL PURCHASE, SALE OR POSSESSION OF A LICENSE PLATE HIDING DEVICE.

A PERSON IS GUILTY OF UNLAWFUL PURCHASE, SALE OR POSSESSION OF A LICENSE PLATE HIDING DEVICE WHEN HE OR SHE KNOWINGLY PURCHASES, SELLS OR POSSESSES ANY DEVICE OR APPARATUS WITH THE INTENT TO USE SUCH DEVICE OR APPARATUS TO HIDE THE APPEARANCE OF A LICENSE PLATE FROM AN E-ZPASS OR ANY OTHER TOLL BOOTH CAMERA.

UNLAWFUL PURCHASE, SALE OR POSSESSION OF A LICENSE PLATE HIDING DEVICE IS A CLASS A MISDEMEANOR.

S 3. Section 2985 of title 11 of article 9 of the public authorities law is designated title 11-A and such title is amended by adding a new title heading to read as follows:

TOLL COLLECTIONS

S 4. Subdivision 5 of section 2985 of the public authorities law, as added by chapter 379 of the laws of 1992, is amended to read as follows:

5. An owner found liable for a violation of toll collection regulations pursuant to this section shall for a first violation thereof be liable for a monetary penalty not to exceed [fifty] ONE HUNDRED dollars or two times the toll evaded whichever is greater; for a second violation thereof both within eighteen months be liable for a monetary penalty not to exceed [one] TWO hundred dollars or five times the toll evaded whichever is greater; for a third or subsequent violation thereof all within eighteen months be liable for a monetary penalty not to exceed [one] THREE hundred [fifty] dollars or ten times the toll evaded whichever is greater. ONE-HALF OF SUCH MONETARY PENALTIES COLLECTED SHALL BE PAID TO THE PUBLIC AUTHORITY WHOSE TOLL COLLECTION REGULATIONS WERE VIOLATED. IN ADDITION TO SUCH PENALTIES, THE OWNER SHALL ALSO BE LIABLE TO THE PUBLIC AUTHORITY, WHOSE TOLL COLLECTION REGULATIONS WERE VIOLATED, FOR FULL RESTITUTION OF TOLL REVENUES LOST AS A RESULT OF SUCH VIOLATION.

S 5. Paragraph (b) of subdivision 7 of section 2985 of the public authorities law, as added by chapter 379 of the laws of 1992, is amended to read as follows:

(b) A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of toll collection regulations pursuant to this section, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation, THE TOLL AMOUNT EVADED and the identification number of the photo-monitoring system which recorded the violation or other document locator number.

S 6. Section 2985 of the public authorities law is amended by adding a new subdivision 15 to read as follows:

15. IN ADDITION TO ANY MONETARY LIABILITY THAT MAY BE IMPOSED PURSUANT TO THIS SECTION, EVERY PUBLIC AUTHORITY WHICH OPERATES A TOLL HIGHWAY, BRIDGE AND/OR TUNNEL FACILITY IS HEREBY AUTHORIZED AND EMPOWERED TO IMPOSE AN ADMINISTRATIVE FEE OR FEES, SUBJECT TO THE APPLICABLE REQUIREMENTS OF THE STATE ADMINISTRATIVE PROCEDURE ACT, ON THE OWNER OF A VEHICLE THAT HAS VIOLATED TOLL COLLECTION REGULATIONS.

S 7. Subdivision 4-d of section 510 of the vehicle and traffic law, as added by chapter 379 of the laws of 1992, is amended to read as follows:

4-d. Suspension of registration for failure to answer or pay penalties with respect to certain violations. Upon the receipt of a notification from a court or an administrative tribunal, OR FROM A PUBLIC AUTHORITY, OR ANY OTHER PUBLIC ENTITY IMPOSING SUCH VIOLATIONS, IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSIONER, that an owner of a motor vehicle failed to appear on the return date or dates or a new subsequent adjourned date or dates or failed to pay any penalty imposed by a court or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision or decisions, in response to five or more notices of liability or other process, issued within an eighteen month period charging such owner with a violation of toll collection regulations in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, OR OTHER COMPARABLE LAW, the commissioner or his OR HER agent shall suspend the registration of the vehicle or vehicles involved in the violation or the privilege of operation of any motor vehicle owned by the registrant. Such suspension shall take effect no less than thirty days from the date on which notice thereof is sent by the commissioner to the person whose registration or privilege is suspended and shall remain in effect until such registrant has appeared in response to such notices of liability or has paid such penalty or in the case of an administrative tribunal, the registrant has complied with the rules and regulations following the entry of a final decision or decisions.

S 8. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.