

3358--A

2015-2016 Regular Sessions

I N   S E N A T E

February 5, 2015

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Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to penalties for unlawfully operating as a common carrier of property by motor vehicle transporting household goods

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

1     Section 1. The penal law is amended by adding three new sections  
2     270.40, 270.45, and 270.50 to read as follows:  
3     S 270.40 UNLAWFULLY OPERATING AS A COMMON CARRIER OF PROPERTY BY MOTOR  
4                 VEHICLE TRANSPORTING HOUSEHOLD GOODS IN THE THIRD DEGREE.  
5     A PERSON IS GUILTY OF UNLAWFULLY OPERATING AS A COMMON CARRIER OF  
6     PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS IN THE THIRD  
7     DEGREE WHEN HE OR SHE OPERATES AS A COMMON CARRIER OF PROPERTY BY MOTOR  
8     VEHICLE TRANSPORTING HOUSEHOLD GOODS OR SOLICITS FOR THE TRANSPORTATION  
9     OF HOUSEHOLD GOODS FOR COMPENSATION AND HE OR SHE IS NOT REGISTERED AS  
10    REQUIRED BY SECTION ONE HUNDRED NINETY-ONE OF THE TRANSPORTATION LAW.  
11    UNLAWFULLY OPERATING AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE  
12    TRANSPORTING HOUSEHOLD GOODS IN THE THIRD DEGREE IS A CLASS B MISDEMEANOR.  
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14    S 270.45 UNLAWFULLY OPERATING AS A COMMON CARRIER OF PROPERTY BY MOTOR  
15                 VEHICLE TRANSPORTING HOUSEHOLD GOODS IN THE SECOND DEGREE.  
16    A PERSON IS GUILTY OF UNLAWFULLY OPERATING AS A COMMON CARRIER OF  
17    PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS IN THE SECOND  
18    DEGREE WHEN HE OR SHE:  
19         1. OPERATES AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE TRANSPORTING  
20         HOUSEHOLD GOODS OR SOLICITS FOR THE TRANSPORTATION OF HOUSEHOLD  
21         GOODS FOR COMPENSATION AND HE OR SHE IS NOT REGISTERED AS REQUIRED BY  
22         SECTION ONE HUNDRED NINETY-ONE OF THE TRANSPORTATION LAW; AND

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

LBD01785-02-5

1 2. HAS PREVIOUSLY BEEN FOUND GUILTY OF UNLAWFULLY OPERATING AS A  
2 COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS  
3 IN THE THIRD DEGREE PURSUANT TO SECTION 270.40 OF THIS ARTICLE.

4 UNLAWFULLY OPERATING AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE  
5 TRANSPORTING HOUSEHOLD GOODS IN THE SECOND DEGREE IS A CLASS A MISDEMEA-  
6 NOR.

7 S 270.50 UNLAWFULLY OPERATING AS A COMMON CARRIER OF PROPERTY BY MOTOR  
8 VEHICLE TRANSPORTING HOUSEHOLD GOODS IN THE FIRST DEGREE.

9 A PERSON IS GUILTY OF UNLAWFULLY OPERATING AS A COMMON CARRIER OF  
10 PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS IN THE FIRST  
11 DEGREE WHEN HE OR SHE:

12 1. OPERATES AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE TRANS-  
13 PORTING HOUSEHOLD GOODS OR SOLICITS FOR THE TRANSPORTATION OF HOUSEHOLD  
14 GOODS FOR COMPENSATION AND HE OR SHE IS NOT REGISTERED AS REQUIRED BY  
15 SECTION ONE HUNDRED NINETY-ONE OF THE TRANSPORTATION LAW; AND

16 2. HAS PREVIOUSLY BEEN FOUND GUILTY OF UNLAWFULLY OPERATING AS A  
17 COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS  
18 IN THE SECOND DEGREE PURSUANT TO SECTION 270.45 OF THIS ARTICLE.

19 UNLAWFULLY OPERATING AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE  
20 TRANSPORTING HOUSEHOLD GOODS IN THE FIRST DEGREE IS A CLASS E FELONY.

21 S 2. This act shall take effect on the first of November next succeed-  
22 ing the date on which it shall have become a law.