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

7600

2015-2016 Regular Sessions

I N  A S S E M B L Y

May 20, 2015

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Codes

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:

Section 1. The penal law is amended by adding three new sections 270.40, 270.45, and 270.50 to read as follows:

S 270.40 UNLAWFULLY OPERATING AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS IN THE THIRD DEGREE.

A PERSON IS GUILTY OF UNLAWFULLY OPERATING AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS IN THE THIRD DEGREE WHEN HE OR SHE OPERATES AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS OR SOLICITS FOR THE TRANSPORTATION OF HOUSEHOLD GOODS FOR COMPENSATION AND HE OR SHE IS NOT REGISTERED AS REQUIRED BY SECTION ONE HUNDRED NINETY-ONE OF THE TRANSPORTATION LAW.

UNLAWFULLY OPERATING AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS IN THE THIRD DEGREE IS A CLASS B MISDEMEANOR.

S 270.45 UNLAWFULLY OPERATING AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS IN THE SECOND DEGREE.

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

1. OPERATES AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS OR SOLICITS FOR THE TRANSPORTATION OF HOUSEHOLD GOODS FOR COMPENSATION AND HE OR SHE IS NOT REGISTERED AS REQUIRED BY 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.

LBD11137-01-5

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

UNLAWFULLY OPERATING AS A COMMON CARRIER OF PROPERTY BY MOTOR VEHICLE TRANSPORTING HOUSEHOLD GOODS IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

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

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

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

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

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

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.