

3358--A

2015-2016 Regular Sessions

I N S E N A T E

February 5, 2015

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 MISDEMEA-
13 NOR.
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 TRANS-
20 PORTING 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.