

418

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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

AN ACT to amend the labor law, in relation to allowing an employer to  
recover from an employee the cost of the payment of a fine for a  
violation recorded by a traffic-control signal photo violation-mon-  
itoring device

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

1     Section 1. Subdivision 1 of section 193 of the labor law, as amended  
2     by chapter 451 of the laws of 2012, is amended by adding a new paragraph  
3     e to read as follows:  
4     E. ARE RELATED TO THE RECOVERY OF THE COST OF A PAYMENT OF A FINE FOR  
5     WHICH THE EMPLOYER OF SUCH EMPLOYEE, AS THE OWNER OF A VEHICLE, IS  
6     LIABLE, PURSUANT TO ARTICLE TWENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW,  
7     FOR FAILURE TO COMPLY WITH A TRAFFIC CONTROL SIGNAL AS RECORDED BY A  
8     TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICE, AND THE DRIVER  
9     OF THE VEHICLE AT THE TIME SUCH VIOLATION WAS RECORDED WAS SUCH EMPLOY-  
10    EE. IN MAKING SUCH RECOVERY, THE EMPLOYER SHALL COMPLY WITH REGULATIONS  
11    PROMULGATED BY THE COMMISSIONER FOR THIS PURPOSE, WHICH REGULATIONS  
12    SHALL INCLUDE, BUT NOT BE LIMITED TO, PROVISIONS GOVERNING: THE TIMING,  
13    FREQUENCY, DURATION, AND METHOD OF SUCH RECOVERY; LIMITATIONS ON THE  
14    PERIODIC AMOUNT OF SUCH RECOVERY; A REQUIREMENT THAT NOTICE BE PROVIDED  
15    TO THE EMPLOYEE PRIOR TO THE COMMENCEMENT OF SUCH RECOVERY; A REQUIRE-  
16    MENT THAT THE EMPLOYER IMPLEMENT A PROCEDURE FOR DISPUTING THE AMOUNT OF  
17    SUCH FINE OR SEEKING TO DELAY COMMENCEMENT OF SUCH RECOVERY; THE TERMS  
18    AND CONTENT OF SUCH A PROCEDURE AND A REQUIREMENT THAT NOTICE OF THE  
19    PROCEDURE FOR DISPUTING THE AMOUNT OF SUCH FINE OR SEEKING TO DELAY  
20    COMMENCEMENT OF SUCH RECOVERY BE PROVIDED TO THE EMPLOYEE PRIOR TO THE  
21    COMMENCEMENT OF SUCH RECOVERY.

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

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1 S 2. Subdivision 1 of section 193 of the labor law, as amended by  
2 chapter 548 of the laws of 1966, is amended by adding a new paragraph c  
3 to read as follows:

4 C. ARE RELATED TO THE RECOVERY OF THE COST OF A PAYMENT OF A FINE FOR  
5 WHICH THE EMPLOYER OF SUCH EMPLOYEE, AS THE OWNER OF A VEHICLE, IS  
6 LIABLE, PURSUANT TO ARTICLE TWENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW,  
7 FOR FAILURE TO COMPLY WITH A TRAFFIC CONTROL SIGNAL AS RECORDED BY A  
8 TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICE, AND THE DRIVER  
9 OF THE VEHICLE AT THE TIME SUCH VIOLATION WAS RECORDED WAS SUCH EMPLOY-  
10 EE. IN MAKING SUCH RECOVERY, THE EMPLOYER SHALL COMPLY WITH REGULATIONS  
11 PROMULGATED BY THE COMMISSIONER FOR THIS PURPOSE, WHICH REGULATIONS  
12 SHALL INCLUDE, BUT NOT BE LIMITED TO, PROVISIONS GOVERNING: THE TIMING,  
13 FREQUENCY, DURATION, AND METHOD OF SUCH RECOVERY; LIMITATIONS ON THE  
14 PERIODIC AMOUNT OF SUCH RECOVERY; A REQUIREMENT THAT NOTICE BE PROVIDED  
15 TO THE EMPLOYEE PRIOR TO THE COMMENCEMENT OF SUCH RECOVERY; A REQUIRE-  
16 MENT THAT THE EMPLOYER IMPLEMENT A PROCEDURE FOR DISPUTING THE AMOUNT OF  
17 SUCH FINE OR SEEKING TO DELAY COMMENCEMENT OF SUCH RECOVERY; THE TERMS  
18 AND CONTENT OF SUCH A PROCEDURE AND A REQUIREMENT THAT NOTICE OF THE  
19 PROCEDURE FOR DISPUTING THE AMOUNT OF SUCH FINE OR SEEKING TO DELAY  
20 COMMENCEMENT OF SUCH RECOVERY BE PROVIDED TO THE EMPLOYEE PRIOR TO THE  
21 COMMENCEMENT OF SUCH RECOVERY.

22 S 3. This act shall take effect on the sixtieth day after it shall  
23 have become a law, provided that:

24 1. the amendments to subdivision 1 of section 193 of the labor law  
25 made by section one of this act shall be subject to the expiration and  
26 reversion of such subdivision pursuant to section 3 of chapter 451 of  
27 the laws of 2012, as amended, when upon such date the provisions of  
28 section two of this act shall take effect; and

29 2. effective immediately, the addition, amendment and/or repeal of any  
30 rule or regulation necessary for the implementation of this act on its  
31 effective date is authorized to be made and completed on or before such  
32 date.