

# STATE OF NEW YORK

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6953--A

Cal. No. 214

2017-2018 Regular Sessions

## IN SENATE

November 27, 2017

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Introduced by Sens. KLEIN, ALCANTARA, AVELLA, HAMILTON, PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to civil penalties imposed upon motor carriers for knowingly or negligently failing to comply with provisions relating to bus drivers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision (e) of section 509-j of the vehicle and traffic  
2 law, as amended by chapter 424 of the laws of 2000, is amended to read  
3 as follows:

4 (e) The commissioner or any person deputized by the commissioner, may  
5 require any motor carrier to pay to the people of this state a civil  
6 penalty, if after the motor carrier has had an opportunity to be heard,  
7 the commissioner finds that the motor carrier has violated any provision  
8 of this article or regulations promulgated [~~therein~~] pursuant thereto,  
9 or has made any false statement or misrepresentation on any affidavit of  
10 compliance filed with the commissioner or with respect to violations of  
11 paragraphs (i) and (ii) of subdivision one, paragraphs (a) and (b) of  
12 subdivision two, and subdivisions three, four and five of section five  
13 hundred nine-d, section five hundred nine-g, section five hundred nine-h  
14 and subdivision two of section five hundred nine-l of this article the  
15 commissioner may in lieu of or in addition to a civil penalty suspend  
16 all of a motor carrier's registrations.

17 (1) Any civil penalty assessed for a first violation shall not be less  
18 than five hundred dollars nor greater than two thousand five hundred  
19 dollars for each violation, false statement or representation found to

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

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1 have been made or committed, and for a second or subsequent violation,  
2 not arising out of the same incident, all of which were committed within  
3 a period of eighteen months, shall not be less than five hundred dollars  
4 nor greater than five thousand dollars for each violation, false state-  
5 ment or representation found to have been made or committed.

6 (2) Any penalty assessed for a first violation by a motor carrier for  
7 knowingly or negligently failing to notify the commissioner as required  
8 under section five hundred nine-d of this article and the bus driver has  
9 previously been found to have refused a chemical test pursuant to  
10 section eleven hundred ninety-four of this chapter or has a prior  
11 conviction of any of the following offenses: any violation of section  
12 eleven hundred ninety-two of this chapter, any violation of subdivision  
13 one or two of section six hundred of this chapter, any violation of  
14 section twelve hundred twelve of this chapter, or any felony involving  
15 the use of a motor vehicle, shall not be less than one thousand dollars  
16 nor greater than five thousand dollars for each violation, and for a  
17 second or subsequent violation, not arising out of the same incident,  
18 all of which were committed within a period of eighteen months, shall  
19 not be less than one thousand dollars nor greater than ten thousand  
20 dollars for each violation.

21 (3) Any penalty assessed for a first violation by a motor carrier for  
22 knowingly or negligently failing to notify the commissioner as required  
23 under section five hundred nine-d of this article where the bus driver  
24 has previously been found to have refused a chemical test pursuant to  
25 section eleven hundred ninety-four of this chapter or has a prior  
26 conviction of any of the following offenses: any violation of section  
27 eleven hundred ninety-two of this chapter, any violation of subdivision  
28 one or two of section six hundred of this chapter, any violation of  
29 section twelve hundred twelve of this chapter, or any felony involving  
30 the use of a motor vehicle, and such bus driver causes personal injury  
31 or death to another person due to an incident involving the motor vehi-  
32 cle operated by such person, shall not be less than one thousand five  
33 hundred dollars nor greater than seven thousand five hundred dollars for  
34 each violation, and for a second or subsequent violation, not arising  
35 out of the same incident, all of which were committed within a period of  
36 eighteen months, shall not be less than one thousand five hundred  
37 dollars nor greater than fifteen thousand dollars for each violation.

38 If the registrant fails to pay such penalty within twenty days after  
39 the mailing of such order, postage prepaid, certified and addressed to  
40 the last known place of business of such registrant, unless such order  
41 is stayed by an order of a court of competent jurisdiction, the commis-  
42 sioner may revoke the vehicle registrations or out of state registration  
43 privilege of operation in the state of such motor carrier or may suspend  
44 the same for such periods as the commissioner may determine. Civil  
45 penalties assessed under this subdivision shall be paid to the commis-  
46 sioner for deposit into the state treasury, and unpaid civil penalties  
47 may be recovered by the commissioner in a civil action in the name of  
48 the commissioner.

49 § 2. This act shall take effect on the thirtieth day after it shall  
50 have become a law.