

STATE OF NEW YORK

6953

2017-2018 Regular Sessions

IN SENATE

November 27, 2017

Introduced by Sens. KLEIN, ALCANTARA, AVELLA, HAMILTON, PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to civil penalties imposed upon motor carriers for failure 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
20 have been made or committed, and for a second or subsequent violation,
21 not arising out of the same incident, all of which were committed within
22 a period of eighteen months, shall not be less than five hundred dollars

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

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1 nor greater than five thousand dollars for each violation, false state-
2 ment or representation found to have been made or committed.

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

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

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

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