

STATE OF NEW YORK

6953--A

Cal. No. 214

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 -- 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.