

STATE OF NEW YORK

4782

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. FAHY -- read once and referred to the Committee on Transportation

AN ACT to amend the transportation law and the vehicle and traffic law, in relation to failed inspections of limousines

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

1 Section 1. The transportation law is amended by adding a new section
2 152-a to read as follows:

3 § 152-a. Inspection of contract carriers of passengers by motor vehi-
4 cle. 1. Any contract carrier of passengers by motor vehicle that fails a
5 safety inspection pursuant to section three hundred one of the vehicle
6 and traffic law shall make the necessary modifications to pass such
7 safety inspection within ten days after such failed inspection.

8 2. The commissioner shall immobilize and remove the license plate of
9 any vehicle that fails to meet the requirements of subdivision one of
10 this section.

11 § 2. The opening paragraph of subdivision (e) and subdivision (h) of
12 section 303 of the vehicle and traffic law, the opening paragraph of
13 subdivision (e) as amended by chapter 608 of the laws of 1993 and subdi-
14 vision (h) as amended by section 1 of part 00 of chapter 59 of the laws
15 of 2009, are amended to read as follows:

16 A license to operate an official inspection station or a certificate
17 to inspect vehicles [~~may~~] shall be suspended or revoked or renewal ther-
18 eof may be refused by the commissioner or any person duly deputized for
19 one or more of the following causes:

20 (h) The commissioner, or any person duly deputized, in addition to or
21 in lieu of revoking or suspending a license to operate an official
22 inspection station or a certificate to inspect vehicles, may by order
23 require the licensee or certified inspector to pay to the people of this
24 state a penalty for a first violation a sum not exceeding seven hundred
25 and fifty dollars for each violation found to have been committed; [~~and~~]

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

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1 for a second [~~or subsequent~~] violation not arising out of the same inci-
2 dent both of which were committed within a period of thirty months, a
3 sum of not more than [~~one~~] three thousand dollars for each violation
4 found to have been committed; and for a third violation not arising out
5 of the same incident all of which were committed within a period of
6 thirty months, a revocation of the license to operate an official
7 inspection station or the certificate to inspect vehicles; provided,
8 however, the penalty for each and any violation of paragraph three of
9 subdivision (e) of this section found to have been committed shall be no
10 less than three hundred and fifty dollars and no more than one thousand
11 dollars, and upon the failure of such licensee to pay such penalty with-
12 in twenty days after the mailing of such order, postage prepaid, regis-
13 tered or certified, and addressed to the last known place of business of
14 such licensee or certified inspector, unless such order is stayed by a
15 court of competent jurisdiction or in accordance with the provisions of
16 [~~Article~~] article three-A of this chapter, the commissioner may revoke
17 the license of such licensee or the certificate of such certified
18 inspector or may suspend the same for such period as may be determined.
19 Civil penalties assessed under this subdivision shall be paid to the
20 commissioner for deposit into the state treasury, and unpaid civil
21 penalties may be recovered by the commissioner in a civil action in the
22 name of the commissioner. In addition, as an alternative to such civil
23 action and provided that no proceeding for judicial review shall then be
24 pending and the time for initiation of such proceeding shall have
25 expired, the commissioner may file with the county clerk of the county
26 in which the registrant is located or the certified inspector resides a
27 final order of the commissioner containing the amount of the penalty
28 assessed. The filing of such final order shall have the full force and
29 effect of a judgment duly docketed in the office of such clerk and may
30 be enforced in the same manner and with the same effect as that provided
31 by law in respect to executions issued against property upon judgments
32 of a court of record.

33 § 3. This act shall take effect on the thirtieth day after it shall
34 have become a law. Effective immediately, the addition, amendment and/or
35 repeal of any rule or regulation necessary for the implementation of
36 this act on its effective date are authorized to be made and completed
37 on or before such effective date.