

STATE OF NEW YORK

8302--A

Cal. No. 323

2019-2020 Regular Sessions

IN ASSEMBLY

June 13, 2019

Introduced by M. of A. MAGNARELLI, SANTABARBARA -- read once and referred to the Committee on Transportation -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the transportation law, in relation to allowing the commissioner of transportation to impound or immobilize stretch limousines in certain situations

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

1 Section 1. Paragraph b of subdivision 9 of section 140 of the trans-
2 portation law, as added by section 3 of part III of chapter 59 of the
3 laws of 2019, is amended to read as follows:
4 b. (i) Whenever an altered motor vehicle commonly referred to as a
5 "stretch limousine" has failed an inspection and been placed out-of-ser-
6 vice, the commissioner may direct a police officer or his or her agent
7 to immediately secure possession of the number plates of such vehicle
8 and return the same to the commissioner of motor vehicles. The commis-
9 sioner shall notify the commissioner of motor vehicles to that effect,
10 and the commissioner of motor vehicles shall thereupon suspend the
11 registration of such vehicle until such time as the commissioner gives
12 notice that the out-of-service defect has been satisfactorily adjusted.
13 Provided, however, that the commissioner shall give notice and an oppor-
14 tunity to be heard within not more than thirty days of the suspension.
15 Failure of the holder or of any person possessing such plates to deliver
16 to the commissioner or his or her agent who requests the same pursuant
17 to this paragraph shall be a misdemeanor. The commissioner of motor
18 vehicles shall have the authority to deny a registration or renewal
19 application to any other person for the same vehicle where it has been
20 determined that such registrant's intent has been to evade the purposes
21 of this paragraph and where the commissioner of motor vehicles has
22 reasonable grounds to believe that such registration or renewal will

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

LBD13314-05-9

1 have the effect of defeating the purposes of this paragraph. The proce-
2 dure on any such suspension shall be the same as in the case of a
3 suspension under the vehicle and traffic law. Operation of such motor
4 vehicle while under suspension as provided in this subdivision shall
5 constitute a class A misdemeanor.

6 (ii) (a) Upon the seizure of number plates pursuant to subparagraph
7 (i) of this paragraph, if the out-of-service defect is of a type where
8 pursuant to the commissioner's regulations no inspection certificate
9 will be issued until the defect is repaired and a re-inspection is
10 conducted, or is related to its horn, and the commissioner determines
11 that allowing the altered motor vehicle to leave the inspection area
12 would be contrary to public safety, the commissioner may: (A) remove or
13 arrange for the removal of, or may direct any police officer to remove
14 or arrange for the removal of, the altered motor vehicle to a garage or
15 other place of safety under the commissioner's jurisdiction where it
16 shall remain impounded, subject to the provisions of this section; or
17 (B) immobilize or arrange for the immobilization of the altered motor
18 vehicle on premises owned or under the control of the owner of such
19 altered motor vehicle, subject to the provisions of this section. The
20 altered motor vehicle shall be entered into the New York statewide
21 police information network as an impounded or immobilized vehicle and
22 the commissioner shall promptly notify the owner that the altered motor
23 vehicle has been impounded or immobilized and the reason or reasons for
24 such impoundment or immobilization, and give such owner an opportunity
25 to be heard.

26 (b) A motor vehicle so impounded or immobilized shall be in the custo-
27 dy of the commissioner and shall not be released unless the commissioner
28 is satisfied that repairs have been scheduled or been made to satisfac-
29 torily adjust such vehicle's out-of-service defect or defects, and
30 payment has been made to the commissioner for the reasonable costs of
31 removal and storage of the altered motor vehicle if impounded. The
32 registered owner of the vehicle shall be responsible for such payment.

33 (c) When an altered motor vehicle seized and impounded or immobilized
34 pursuant to this subparagraph has been in the custody of the commission-
35 er for thirty days, the commissioner shall notify the owner and the
36 lienholder, if any, at his or her last known address by certified mail,
37 return receipt requested, that if repairs are not scheduled or made and
38 the vehicle not retrieved pursuant to clause (b) of this subparagraph
39 within thirty days from the date the notice is given, the commissioner
40 may dispose of such vehicle as an abandoned vehicle pursuant to section
41 twelve hundred twenty-four of the vehicle and traffic law and may seek
42 to recover towing and storage costs in a civil action in the name of the
43 people of the state of New York, if applicable. Costs recovered in a
44 civil action under this clause shall be paid to the commissioner for
45 deposit into the state treasury for towing and storage expenses, and any
46 remaining costs recovered in a civil action under this clause shall be
47 paid to the commissioner for deposit into the state treasury for actual
48 and necessary costs related to bus and motor vehicle inspections
49 conducted pursuant to this section.

50 (d) If an altered motor vehicle has been seized and not retrieved
51 pursuant to the provisions of this subparagraph within thirty days from
52 the date notice is given pursuant to clause (c) of this subparagraph,
53 such altered motor vehicle shall be deemed an abandoned vehicle and the
54 commissioner may dispose of such altered motor vehicle pursuant to
55 section twelve hundred twenty-four of the vehicle and traffic law.
56 Before any such disposal, the commissioner shall give ten days' notice

1 to the owner, who shall have an opportunity to appear and retrieve such
2 altered motor vehicle in accordance with clause (b) of this subparagraph
3 within ten days of the date such notice is given.

4 (e) An altered motor vehicle abandoned in accordance with the
5 provisions of this section shall be and become the property of the
6 department, subject however to any lien that was recorded prior to the
7 seizure.

8 (f) When an altered motor vehicle has been seized and impounded pursu-
9 ant to this subparagraph, the commissioner shall make the altered motor
10 vehicle available or grant access to it to any owner or any person
11 designated or authorized by such owner for the purpose of (I) taking
12 possession of any personal property found within the altered motor vehi-
13 cle and (II) obtaining proof of registration, financial security, title
14 or documentation in support thereof.

15 § 2. This act shall take effect one year after it shall have become a
16 law. Effective immediately, the addition, amendment and/or repeal of any
17 rule or regulation necessary for the implementation of this act on its
18 effective date are authorized to be made and completed on or before such
19 effective date.