

# STATE OF NEW YORK

---

6191

2019-2020 Regular Sessions

## IN SENATE

May 21, 2019

---

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, in relation to safety requirements for certain motor vehicles which transport nine or more passengers

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

1 Section 1. The opening paragraph of item (b) of subparagraph (iii) of  
2 paragraph c of subdivision 2 of section 140 of the transportation law,  
3 as amended by section 1 of part III of chapter 59 of the laws of 2019,  
4 is amended and a new subdivision 5-a is added to read as follows:

5 Any person, corporation, company, association, joint stock associ-  
6 ation, partnership, person or any officer or agent thereof, found guilty  
7 of violating any of the department's safety rules or regulations involv-  
8 ing an out-of-service defect relating to brake systems, steering compo-  
9 nents and/or coupling devices or any requirement pursuant to subdivision  
10 five-a of this section shall be subject to a fine of not less than five  
11 hundred dollars nor more than one thousand two hundred fifty dollars for  
12 the first offense, and upon being found guilty of a second or subsequent  
13 offense committed within eighteen months by a fine of not less than one  
14 thousand two hundred fifty dollars nor more than three thousand dollars,  
15 or by imprisonment for not more than sixty days or by both such fine and  
16 imprisonment; provided, however, that if any such person, corporation,  
17 company, association, joint stock association, partnership, person or  
18 any officer or agent thereof is operating a farm vehicle registered  
19 pursuant to subdivision thirteen of section four hundred one of the  
20 vehicle and traffic law in conformance with the terms of such registra-  
21 tion, and if the violation as set forth in the summons is corrected not  
22 later than one-half hour after sunset on the third full business day  
23 after the issuance of the summons and proof of such correction as set  
24 forth in item (b) of subparagraph (iv) of this paragraph is submitted to

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

LBD11415-02-9

1 the court, the penalty for a first violation involving brake systems  
2 shall be a fine of two hundred fifty dollars, the penalty for a first  
3 violation involving steering components and/or coupling devices shall be  
4 a fine of two hundred dollars and the penalty for a first violation  
5 involving any other out-of-service defect shall be a fine of one hundred  
6 fifty dollars. A motor vehicle shall be deemed to be out-of-service only  
7 until such time as the applicable out-of-service defect is repaired or  
8 adjusted.

9 5-a. a. All altered motor vehicles which are required to have a feder-  
10 al motor vehicle safety standard certification label in accordance with  
11 49 USC 30115 and 49 CFR 567 and regulated by the commissioner, which  
12 have the capacity to transport nine or more passengers for compensation,  
13 including the operator, shall be equipped with at least one combination  
14 lap safety and shoulder harness belt for the rear seat for each passen-  
15 ger for which the rear seat of such vehicle was designed or modified no  
16 later than the first of May, two thousand twenty-one.

17 b. No such motor vehicle shall be authorized to operate in this state  
18 unless such motor vehicle is equipped with safety belt assembly ancho-  
19 rages conforming to standards established by the commissioner for each  
20 safety belt required in such motor vehicle.

21 c. All such motor vehicles shall additionally be equipped with roll-  
22 over protection devices such as cages or pillars and anti-intrusion bars  
23 for the purpose of protecting rear compartment passengers, which shall  
24 conform to standards established by the commissioner and be included in  
25 the department's safety inspection program no later than the first of  
26 May, two thousand twenty-three.

27 d. This subdivision shall not apply to motor vehicles regulated by the  
28 commissioner that are used in the business of transporting school chil-  
29 dren for hire or used for the transportation of school children, owned  
30 and/or operated by school districts or by any public or private school.

31 § 2. This act shall take effect on the one hundred eightieth day after  
32 it shall have become a law. Effective immediately, the departments of  
33 motor vehicles and transportation, in consultation with other agencies,  
34 are authorized to promulgate such rules and regulations as are necessary  
35 for the implementation of this act on or before such effective date.