

STATE OF NEW YORK

6191--A

Cal. No. 1089

2019-2020 Regular Sessions

IN SENATE

May 21, 2019

Introduced by Sens. KENNEDY, BRESLIN, GAUGHRAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the transportation law and the vehicle and traffic 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

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

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1 later than one-half hour after sunset on the third full business day
2 after the issuance of the summons and proof of such correction as set
3 forth in item (b) of subparagraph (iv) of this paragraph is submitted to
4 the court, the penalty for a first violation involving brake systems
5 shall be a fine of two hundred fifty dollars, the penalty for a first
6 violation involving steering components and/or coupling devices shall be
7 a fine of two hundred dollars and the penalty for a first violation
8 involving any other out-of-service defect shall be a fine of one hundred
9 fifty dollars. A motor vehicle shall be deemed to be out-of-service only
10 until such time as the applicable out-of-service defect is repaired or
11 adjusted.

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

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

24 c. All such motor vehicles shall additionally be equipped with roll-
25 over protection devices such as cages or pillars and anti-intrusion bars
26 for the purpose of protecting rear compartment passengers, which shall
27 conform to standards established by the commissioner and be included in
28 the department's safety inspection program no later than the first of
29 May, two thousand twenty-two. Any such motor vehicle that is modified to
30 comply with the provisions of this paragraph shall pass the department's
31 safety inspection after the installation of such rollover protection
32 devices and prior to operating on any roadway.

33 d. (i) All such motor vehicles modified or extended after the first of
34 January, two thousand twenty, for purpose of increasing vehicle length
35 in an amount sufficient to accommodate additional passengers, shall be
36 equipped with the following accessible to all passengers:

37 (a) a minimum of two rear doors; and

38 (b) a minimum of two rear-push out windows where at least one push-out
39 window shall be located on each side of the vehicle, provided, however,
40 if the design of the altered motor vehicle precludes the installation of
41 a push-out window on one side of the vehicle, the second push-out window
42 shall instead be located in the roof of the vehicle, provided, further,
43 if the design of such motor vehicle precludes the installation of a
44 push-out window on either side of the vehicle, one push-out window shall
45 instead be located in the roof of such vehicle.

46 (ii) Such doors and windows as required pursuant to subparagraph (i)
47 of this paragraph shall be installed such that the passengers of the
48 vehicle can open such doors or windows from the inside of the vehicle in
49 case of any emergency that requires the immediate exit of the occupants
50 of the vehicle.

51 (iii) The commissioner shall establish, by regulation, standards to
52 ensure window exits are operable and sufficient in emergency situations
53 for altered motor vehicle passengers. The department shall ensure that
54 such regulations comply with any applicable federal motor vehicle safety
55 standards.

1 e. This subdivision shall not apply to motor vehicles regulated by the
2 commissioner that are used in the business of transporting school chil-
3 dren for hire or used for the transportation of school children, owned
4 and/or operated by school districts or by any public or private school,
5 or to motor vehicles owned and/or operated by children's camps operating
6 pursuant to section thirteen hundred ninety-four of the public health
7 law.

8 § 2. Subdivision 51 of section 375 of the vehicle and traffic law, as
9 added by chapter 495 of the laws of 2003, is amended to read as follows:

10 51. Taxicab [~~and~~], livery and stretch limousine notices. (a) Every
11 taxicab [~~and~~], livery, and altered motor vehicle which was altered on or
12 after May first, two thousand twenty-one, commonly referred to as a
13 "stretch limousine", registered in this state shall have posted therein
14 the following notice: "Seatbelts must be available for your use. Please
15 buckle up."

16 (b) The notices required to be posted pursuant to paragraph (a) of
17 this subdivision shall be posted in a manner legible and conspicuous to
18 passengers in all seating positions of such vehicles.

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