STATE OF NEW YORK

6193--A

Cal. No. 1091

2019-2020 Regular Sessions

IN SENATE

May 21, 2019

Introduced by Sens. KENNEDY, 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, in relation to allowing the commissioner of transportation to immobilize or impound limousines in certain situations

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

Section 1. Subdivision 2 of section 145 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

2. **(a)** The commissioner may upon complaint or upon the commissioner's initiative without complaint institute proceedings to revoke, cancel, suspend or modify any certificate or permit issued pursuant to this chapter after a hearing at which the holder of such certificate or permit and any person making such complaint shall be given an opportunity to be heard. Provided, however, that any order of the commissioner revoking, cancelling, suspending or modifying any certificate or permit shall not become effective until thirty days after the serving of notice thereof upon the holder of such certificate or permit, unless the commissioner determines that the continued holding of such certificate or permit for such period would be contrary to the public interest. Hearings shall be held in such manner and upon such notice as may be prescribed by rules of the commissioner, but such notice shall be of not less than ten days and shall state the nature of the complaint.

(b) The commissioner may take actions to immobilize or impound an altered motor vehicle commonly referred to as a stretch limousine having a seating capacity of nine or more passengers including the driver if the stretch limousine has an out-of-service defect or has a defect related to its horn and the commissioner determines that allowing the

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

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stretch limousine to leave the inspection area would be contrary to the public interest. The commissioner is permitted to continue immobilization or impoundment of the stretch limousine until satisfied that repairs have been scheduled or made to remedy the stretch limousine's out-of-service defect or defects. Provided, however, a hearing shall be held after any immobilization or impoundment pursuant to this paragraph at which the holder of such certificate or permit and the commissioner shall be given an opportunity to be heard. Hearings shall be held in such manner and upon such notice as may be prescribed by rules of the commissioner, but such notice shall be of not less than ten days and shall state the rationale for impounding or immobilizing the stretch limousine. The burden of proof for the commissioner's continued impoundment or immobilization shall be by clear and convincing evidence on issues of fact. The commissioner is empowered to remove or arrange for the removal of a stretch limousine to a garage, automobile pound, or other place of safety where it shall remain impounded or immobilized subject to the provisions of subdivisions two, three, four, five, six and seven of section five hundred eleven-b of the vehicle and traffic law.

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