STATE OF NEW YORK

6193--C

2019-2020 Regular Sessions

IN SENATE

May 21, 2019

Introduced by Sens. KENNEDY, BRESLIN, CARLUCCI, GAUGHRAN, KAPLAN, LIU, SEWARD, TEDISCO -- 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 -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Paragraph b of subdivision 9 of section 140 of the transportation law, as added by section 3 of part III of chapter 59 of the laws of 2019, is amended to read as follows:

b. **(i)** Whenever an altered motor vehicle commonly referred to as a "stretch limousine" has failed an inspection and been placed out-of-service, the commissioner may direct a police officer or his or her agent to immediately secure possession of the number plates of such vehicle and return the same to the commissioner of motor vehicles. The commissioner shall notify the commissioner of motor vehicles to that effect, and the commissioner of motor vehicles shall thereupon suspend the registration of such vehicle until such time as the commissioner gives notice that the out-of-service defect has been satisfactorily adjusted. Provided, however, that the commissioner shall give notice and an opportunity to be heard within not more than thirty days of the suspension. Failure of the holder or of any person possessing such plates to deliver to the commissioner or his or her agent who requests the same pursuant

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

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to this paragraph shall be a misdemeanor. The commissioner of motor vehicles shall have the authority to deny a registration or renewal application to any other person for the same vehicle where it has been determined that such registrant's intent has been to evade the purposes of this paragraph and where the commissioner of motor vehicles has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this paragraph. The procedure on any such suspension shall be the same as in the case of a suspension under the vehicle and traffic law. Operation of such motor vehicle while under suspension as provided in this subdivision shall constitute a class A misdemeanor.

(ii) (a) Upon the seizure of number plates pursuant to subparagraph (i) of this paragraph, if the out-of-service defect is of a type where pursuant to the commissioner's regulations no inspection certificate will be issued until the defect is repaired and a re-inspection is conducted, or is related to its horn, and the commissioner determines that allowing the altered motor vehicle to leave the inspection area would be contrary to public safety, the commissioner may: (A) remove or arrange for the removal of, or may direct any police officer to remove or arrange for the removal of, the altered motor vehicle to a non-public garage or other place of safety where it shall remain impounded, subject to the provisions of this section; or (B) immobilize or arrange for the immobilization of the altered motor vehicle on premises owned or under the control of the owner of such altered motor vehicle, subject to the provisions of this section. The altered motor vehicle shall be entered into the New York statewide police information network as an impounded or immobilized vehicle and the commissioner shall promptly notify the owner that the altered motor vehicle has been impounded or immobilized and the reason or reasons for such impoundment or immobilization, and give such owner an opportunity to be heard within not more than thirty days of the suspension imposed pursuant to subparagraph (i) of this paragraph.

(b) A motor vehicle so impounded or immobilized shall be in the custody of the commissioner and shall not be released unless the commissioner is satisfied that repairs have been scheduled or been made to satisfactorily adjust such vehicle's out-of-service defect or defects and such vehicle has been re-inspected.

(c) The commissioner shall provide written notice to the owner or operator of the service repair shop or impoundment lot informing them that such impounded vehicle shall not be released without the written approval of the commissioner. Release of such impounded vehicle without approval by the commissioner shall be punishable by a fine of up to ten thousand dollars;

§ 2. This act shall take effect one year 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.