

# STATE OF NEW YORK

9056

## IN ASSEMBLY

January 10, 2020

Introduced by M. of A. MAGNARELLI -- read once and referred to the  
Committee on Transportation

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

The People of the State of New York, represented in Senate and Assem-  
bly, 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  
23 have the effect of defeating the purposes of this paragraph. The proce-  
24 dure on any such suspension shall be the same as in the case of a  
25 suspension under the vehicle and traffic law. Operation of such motor  
26 vehicle while under suspension as provided in this subdivision shall  
27 constitute a class A misdemeanor.

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

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

22     (b) A motor vehicle so impounded or immobilized shall be in the custo-  
23 dy of the commissioner and shall not be released unless the commissioner  
24 is satisfied that repairs have been scheduled or been made to satisfac-  
25 torily adjust such vehicle's out-of-service defect or defects and such  
26 vehicle has been re-inspected.

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

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