

# STATE OF NEW YORK

3557

2019-2020 Regular Sessions

## IN SENATE

February 8, 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 vehicle and traffic law, in relation to civil penalties imposed upon motor carriers for failure to comply with provisions relating to bus drivers

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

1 Section 1. Subdivision (e) of section 509-j of the vehicle and traffic  
2 law, as amended by chapter 424 of the laws of 2000, is amended to read  
3 as follows:

4 (e) The commissioner or any person deputized by the commissioner, may  
5 require any motor carrier to pay to the people of this state a civil  
6 penalty, if after the motor carrier has had an opportunity to be heard,  
7 the commissioner finds that the motor carrier has violated any provision  
8 of this article or regulations promulgated [~~therein~~ pursuant thereto,  
9 or has made any false statement or misrepresentation on any affidavit of  
10 compliance filed with the commissioner or with respect to violations of  
11 paragraphs (i) and (ii) of subdivision one, paragraphs (a) and (b) of  
12 subdivision two, and subdivisions three, four and five of section five  
13 hundred nine-d, section five hundred nine-g, section five hundred nine-h  
14 and subdivision two of section five hundred nine-l of this article the  
15 commissioner may in lieu of or in addition to a civil penalty suspend  
16 all of a motor carrier's registrations.

17 (1) Any civil penalty assessed for a first violation shall not be less  
18 than five hundred dollars nor greater than two thousand five hundred  
19 dollars for each violation, false statement or representation found to  
20 have been made or committed, and for a second or subsequent violation,  
21 not arising out of the same incident, all of which were committed within  
22 a period of eighteen months, shall not be less than five hundred dollars  
23 nor greater than five thousand dollars for each violation, false state-  
24 ment or representation found to have been made or committed.

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

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1     (2) Any penalty assessed for a first violation by a motor carrier for  
2 failure to notify the commissioner as required under section five  
3 hundred nine-d of this article and the bus driver has previously been  
4 found to have refused a chemical test pursuant to section eleven hundred  
5 ninety-four of this chapter or has a prior conviction of any of the  
6 following offenses: any violation of section eleven hundred ninety-two  
7 of this chapter, any violation of subdivision one or two of section six  
8 hundred of this chapter, any violation of section twelve hundred twelve  
9 of this chapter, or any felony involving the use of a motor vehicle,  
10 shall not be less than one thousand dollars nor greater than five thou-  
11 sand dollars for each violation, and for a second or subsequent  
12 violation, not arising out of the same incident, all of which were  
13 committed within a period of eighteen months, shall not be less than one  
14 thousand dollars nor greater than ten thousand dollars for each  
15 violation.

16     (3) Any penalty assessed for a first violation by a motor carrier for  
17 failure to notify the commissioner as required under section five  
18 hundred nine-d of this article where the bus driver has previously been  
19 found to have refused a chemical test pursuant to section eleven hundred  
20 ninety-four of this chapter or has a prior conviction of any of the  
21 following offenses: any violation of section eleven hundred ninety-two  
22 of this chapter, any violation of subdivision one or two of section six  
23 hundred of this chapter, any violation of section twelve hundred twelve  
24 of this chapter, or any felony involving the use of a motor vehicle, and  
25 such bus driver causes personal injury or death to another person due to  
26 an incident involving the motor vehicle operated by such person, shall  
27 not be less than one thousand five hundred dollars nor greater than  
28 seven thousand five hundred dollars for each violation, and for a second  
29 or subsequent violation, not arising out of the same incident, all of  
30 which were committed within a period of eighteen months, shall not be  
31 less than one thousand five hundred dollars nor greater than fifteen  
32 thousand dollars for each violation.

33     If the registrant fails to pay such penalty within twenty days after  
34 the mailing of such order, postage prepaid, certified and addressed to  
35 the last known place of business of such registrant, unless such order  
36 is stayed by an order of a court of competent jurisdiction, the commis-  
37 sioner may revoke the vehicle registrations or out of state registration  
38 privilege of operation in the state of such motor carrier or may suspend  
39 the same for such periods as the commissioner may determine. Civil  
40 penalties assessed under this subdivision shall be paid to the commis-  
41 sioner for deposit into the state treasury, and unpaid civil penalties  
42 may be recovered by the commissioner in a civil action in the name of  
43 the commissioner.

44     § 2. This act shall take effect on the thirtieth day after it shall  
45 have become a law.