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:

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

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

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

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

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

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