STATE OF NEW YORK

6188--A

Cal. No. 1086

2019-2020 Regular Sessions

IN SENATE

May 21, 2019

Introduced by Sen. 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 vehicle and traffic law, in relation to the punishment for certain traffic infractions committed by an operator of a stretch limousine or other motor carrier designed or modified for purposes of having a seating capacity of nine or more passengers

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

Section 1. Subdivision c of section 1161 of the vehicle and traffic law, as added by section 14 of part III of chapter 59 of the laws of 2019, is amended to read as follows:

c. **(i)** No altered motor vehicle commonly referred to as a "stretch limousine" **or other motor carrier designed or modified for purposes of** having a seating capacity of [~~ten~~] **nine** or more passengers including the driver shall make a U-turn upon any public highway or private road open to public motor vehicle traffic.

(ii) A violation of paragraph (i) of this subdivision shall be a traffic infraction, punishable by no less than two hundred fifty dollars or by imprisonment in a penitentiary or county jail for not more than fifteen days, or by both such fine and imprisonment. If the operator violates paragraph (i) of this subdivision while carrying one or more passengers other than the driver, such violation shall be punishable by not less than one thousand dollars or by imprisonment in a penitentiary for not more than thirty days, or by both such fine and imprisonment. A person who operates a vehicle in violation of paragraph (i) of this subdivision after having been convicted of one or more violations of such paragraph within the preceding eighteen months shall be punished by a fine of not less than one thousand dollars and not more than two thou-

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

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sand dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

§ 2. Paragraph 1 of subdivision (b) of section 1800 of the vehicle and traffic law, as amended by chapter 574 of the laws of 2006, is amended to read as follows:

1. Every person convicted of a traffic infraction for a violation of any of the provisions of this chapter or of any ordinance, order, rule or regulation adopted pursuant to section sixteen hundred thirty or sixteen hundred thirty-one of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not more than one hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than four hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment, except that a person convicted of a traffic infraction for a violation of paragraph one of subdivision (d) of section one thousand one hundred eleven of this chapter outside of a city having a population of one million or more shall, for a first conviction thereof, be punished by a fine of not less than seventy-five dollars nor more than two hundred twenty-five dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than one hundred fifty dollars nor more than three hundred seventy-five dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than three hundred seventy-five dollars nor more than six hundred seventy-five dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment except that a person convicted for a violation of paragraph one of subdivision (d) of section one thousand one hundred eleven of this chapter shall, for a first conviction thereof, be punished by a fine of not less than one hundred fifty dollars nor more than four hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than three hundred dollars nor more than seven hundred fifty dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than seven hundred fifty dollars nor more than one thousand five hundred dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment. **Provided, however, that a violation of paragraph one of subdivision (d) of section one thousand one hundred eleven of this chapter shall, for a first conviction thereof, be punished by a fine of not less than two hundred fifty dollars or by imprisonment for not more than fifteen days, or by both such fine and imprisonment if the operator is operating an altered motor vehicle**

commonly referred to as a "stretch limousine" or other motor carrier designed or modified for purposes of having a seating capacity of nine or more passengers including the driver; provided further, however, that a violation of such subdivision if the operator is operating an altered motor vehicle commonly referred to as a "stretch limousine" or other motor carrier designed or modified for purposes of having a seating capacity of nine or more passengers while carrying one or more passengers other than the driver shall, for a first conviction thereof, be punished by a fine of not less than one thousand dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment and for a conviction of a second violation, both of which were committed within a period of eighteen months, an operator shall be punished by a fine of not less than one thousand dollars and not more than two thousand dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment if the operator is operating an altered motor vehicle commonly referred to as a "stretch limousine" or other motor carrier designed or modified for purposes of having a seating capacity of nine or more passengers including the driver.

§ 3. Paragraph 5 of subdivision (h) of section 1180 of the vehicle and traffic law, as amended by section 8 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

5. Notwithstanding the foregoing provisions of this subdivision, the maximum fine provided herein for the violation for which the person is sentenced may be increased by an additional one hundred fifty dollars if the conviction is for a second violation of any subdivision of this section where both violations were committed within an eighteen month period or where the conviction is for a first violation of any subdivision of this section in which the operator was operating an altered motor vehicle commonly referred to as a "stretch limousine" or other motor carrier designed or modified for purposes of having a seating capacity of nine or more passengers while carrying one or more passengers other than the driver, and the maximum fine provided herein for the violation for which the person is sentenced may be increased by an additional three hundred seventy-five dollars if the conviction is for a third or subsequent violation of any subdivision of this section where all such violations were committed within an eighteen month period or where the conviction is for a second or subsequent violation of any subdivision of this section in which the operator was operating an altered motor vehicle commonly referred to as a "stretch limousine" or other motor carrier designed or modified for purposes of having a seating capacity of nine or more passengers while carrying one or more passengers other than the driver. Where an additional fine is provided by this paragraph, a sentence of imprisonment for not more than thirty days may be imposed in place of or in addition to any fine imposed.

§ 4. This act shall take effect one year after it shall have become a law; provided, however that if part III of chapter 59 of the laws of 2019 shall not have taken effect on or before such date, then section one of this act shall take effect on the same date and in the same manner as such part of chapter 59 of the laws of 2019 takes effect.