STATE OF NEW YORK

6191--A

Cal. No. 1089

2019-2020 Regular Sessions

IN SENATE

May 21, 2019

Introduced by Sens. KENNEDY, BRESLIN, 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 transportation law and the vehicle and traffic law, in relation to safety requirements for certain motor vehicles which transport nine or more passengers

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

Section 1. The opening paragraph of item (b) of subparagraph (iii) of paragraph c of subdivision 2 of section 140 of the transportation law, as amended by section 1 of part III of chapter 59 of the laws of 2019, is amended and a new subdivision 5-a is added to read as follows:

Any person, corporation, company, association, joint stock association, partnership, person or any officer or agent thereof, found guilty of violating any of the department's safety rules or regulations involving an out-of-service defect relating to brake systems, steering components and/or coupling devices **or any requirement pursuant to subdivision five-a of this section** shall be subject to a fine of not less than five hundred dollars nor more than one thousand two hundred fifty dollars for the first offense, and upon being found guilty of a second or subsequent offense committed within eighteen months by a fine of not less than one thousand two hundred fifty dollars nor more than three thousand dollars, or by imprisonment for not more than sixty days or by both such fine and imprisonment; provided, however, that if any such person, corporation, company, association, joint stock association, partnership, person or any officer or agent thereof is operating a farm vehicle registered pursuant to subdivision thirteen of section four hundred one of the vehicle and traffic law in conformance with the terms of such registration, and if the violation as set forth in the summons is corrected not

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

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later than one-half hour after sunset on the third full business day after the issuance of the summons and proof of such correction as set forth in item (b) of subparagraph (iv) of this paragraph is submitted to the court, the penalty for a first violation involving brake systems shall be a fine of two hundred fifty dollars, the penalty for a first violation involving steering components and/or coupling devices shall be a fine of two hundred dollars and the penalty for a first violation involving any other out-of-service defect shall be a fine of one hundred fifty dollars. A motor vehicle shall be deemed to be out-of-service only until such time as the applicable out-of-service defect is repaired or adjusted.

5-a. a. All altered motor vehicles which are required to have a federal motor vehicle safety standard certification label in accordance with 49 USC 30115 and 49 CFR 567 and regulated by the commissioner, which have the capacity to transport nine or more passengers for compensation, including the operator, shall be equipped with a safety belt approved by the commissioner for the rear seat for each passenger for which the rear seat of such vehicle was designed or modified no later than the first of May, two thousand twenty-one.

b. No such motor vehicle shall be authorized to operate in this state unless such motor vehicle is equipped with safety belt assembly anchorages conforming to standards established by the commissioner for each safety belt required in such motor vehicle.

c. All such motor vehicles shall additionally be equipped with rollover protection devices such as cages or pillars and anti-intrusion bars for the purpose of protecting rear compartment passengers, which shall conform to standards established by the commissioner and be included in the department's safety inspection program no later than the first of May, two thousand twenty-two. Any such motor vehicle that is modified to comply with the provisions of this paragraph shall pass the department's safety inspection after the installation of such rollover protection devices and prior to operating on any roadway.

d. (i) All such motor vehicles modified or extended after the first of January, two thousand twenty, for purpose of increasing vehicle length in an amount sufficient to accommodate additional passengers, shall be equipped with the following accessible to all passengers:

(a) a minimum of two rear doors; and

(b) a minimum of two rear-push out windows where at least one push-out window shall be located on each side of the vehicle, provided, however, if the design of the altered motor vehicle precludes the installation of a push-out window on one side of the vehicle, the second push-out window shall instead be located in the roof of the vehicle, provided, further, if the design of such motor vehicle precludes the installation of a push-out window on either side of the vehicle, one push-out window shall instead be located in the roof of such vehicle.

(ii) Such doors and windows as required pursuant to subparagraph (i) of this paragraph shall be installed such that the passengers of the vehicle can open such doors or windows from the inside of the vehicle in case of any emergency that requires the immediate exit of the occupants of the vehicle.

(iii) The commissioner shall establish, by regulation, standards to ensure window exits are operable and sufficient in emergency situations for altered motor vehicle passengers. The department shall ensure that such regulations comply with any applicable federal motor vehicle safety standards.

e. This subdivision shall not apply to motor vehicles regulated by the commissioner that are used in the business of transporting school children for hire or used for the transportation of school children, owned and/or operated by school districts or by any public or private school, or to motor vehicles owned and/or operated by children's camps operating pursuant to section thirteen hundred ninety-four of the public health law.

§ 2. Subdivision 51 of section 375 of the vehicle and traffic law, as added by chapter 495 of the laws of 2003, is amended to read as follows:

51. Taxicab [~~and~~], livery **and stretch limousine** notices. (a) Every taxicab [~~and~~], livery**, and altered motor vehicle which was altered on or after May first, two thousand twenty-one, commonly referred to as a "stretch limousine",** registered in this state shall have posted therein the following notice: "Seatbelts must be available for your use. Please buckle up."

(b) The notices required to be posted pursuant to paragraph (a) of this subdivision shall be posted in a manner legible and conspicuous to passengers in all seating positions of such vehicles.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the departments of motor vehicles and transportation, in consultation with other agencies, are authorized to promulgate such rules and regulations as are necessary for the implementation of this act on or before such effective date.