

STATE OF NEW YORK

6193--C

2019-2020 Regular Sessions

IN SENATE

May 21, 2019

Introduced by Sens. KENNEDY, BRESLIN, CARLUCCI, GAUGHRAN, KAPLAN, LIU, SEWARD, TEDISCO -- 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 -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

The People of the State of New York, represented in Senate and Assembly, 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

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

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1 to this paragraph shall be a misdemeanor. The commissioner of motor
2 vehicles shall have the authority to deny a registration or renewal
3 application to any other person for the same vehicle where it has been
4 determined that such registrant's intent has been to evade the purposes
5 of this paragraph and where the commissioner of motor vehicles has
6 reasonable grounds to believe that such registration or renewal will
7 have the effect of defeating the purposes of this paragraph. The proce-
8 dure on any such suspension shall be the same as in the case of a
9 suspension under the vehicle and traffic law. Operation of such motor
10 vehicle while under suspension as provided in this subdivision shall
11 constitute a class A misdemeanor.

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

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

38 (c) The commissioner shall provide written notice to the owner or
39 operator of the service repair shop or impoundment lot informing them
40 that such impounded vehicle shall not be released without the written
41 approval of the commissioner. Release of such impounded vehicle without
42 approval by the commissioner shall be punishable by a fine of up to ten
43 thousand dollars;

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