

STATE OF NEW YORK

1772

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. SANTABARBARA, TAGUE -- read once and referred to the Committee on Transportation

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

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

1 Section 1. Subdivision 2 of section 145 of the transportation law, as
2 added by chapter 635 of the laws of 1983, is amended to read as follows:

3 2. (a) The commissioner may upon complaint or upon the commissioner's
4 initiative without complaint institute proceedings to revoke, cancel,
5 suspend or modify any certificate or permit issued pursuant to this
6 chapter after a hearing at which the holder of such certificate or
7 permit and any person making such complaint shall be given an opportunity
8 to be heard. Provided, however, that any order of the commissioner
9 revoking, cancelling, suspending or modifying any certificate or permit
10 shall not become effective until thirty days after the serving of notice
11 thereof upon the holder of such certificate or permit, unless the
12 commissioner determines that the continued holding of such certificate
13 or permit for such period would be contrary to the public interest.
14 Hearings shall be held in such manner and upon such notice as may be
15 prescribed by rules of the commissioner, but such notice shall be of not
16 less than ten days and shall state the nature of the complaint.

17 (b) The commissioner may take actions to immobilize or impound an
18 altered motor vehicle commonly referred to as a stretch limousine having
19 a seating capacity of nine or more passengers including the driver if
20 the stretch limousine has an out-of-service defect or has a defect
21 related to its horn and the commissioner determines that allowing the
22 stretch limousine to leave the inspection area would be contrary to the
23 public interest. The commissioner is permitted to continue immobiliza-
24 tion or impoundment of the stretch limousine until satisfied that

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

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1 repairs have been scheduled or made to remedy the stretch limousine's
2 out-of-service defect or defects. Provided, however, a hearing shall be
3 held after any immobilization or impoundment pursuant to this paragraph
4 at which the holder of such certificate or permit and the commissioner
5 shall be given an opportunity to be heard. Hearings shall be held in
6 such manner and upon such notice as may be prescribed by rules of the
7 commissioner, but such notice shall be of not less than ten days and
8 shall state the rationale for impounding or immobilizing the stretch
9 limousine. The burden of proof for the commissioner's continued impound-
10 ment or immobilization shall be by clear and convincing evidence on
11 issues of fact. The commissioner is empowered to remove or arrange for
12 the removal of a stretch limousine to a garage, automobile pound, or
13 other place of safety where it shall remain impounded or immobilized
14 subject to the provisions of subdivisions two, three, four, five, six
15 and seven of section five hundred eleven-b of the vehicle and traffic
16 law.

17 § 2. This act shall take effect on the one hundred eightieth day after
18 it shall have become a law. Effective immediately, the addition, amend-
19 ment and/or repeal of any rule or regulation necessary for the implemen-
20 tation of this act on its effective date are authorized to be made and
21 completed on or before such effective date.