

STATE OF NEW YORK

4950--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 9, 2021

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to requiring every charter bus registered in this state be equipped with commercial global positioning system technology

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

1 Section 1. Subdivision 54 of section 375 of the vehicle and traffic
2 law, as added by chapter 11 of the laws of 2020, is amended to read as
3 follows:

4 54. Stretch limousine and charter bus commercial GPS. (a) Every
5 stretch limousine and charter bus registered in this state shall be
6 equipped with commercial global positioning system (GPS) technology
7 within no later than one year of the date upon which the national high-
8 way traffic safety administration promulgates final regulations estab-
9 lishing standards for commercial GPS.

10 (b) It shall be unlawful to operate or cause to be operated a stretch
11 limousine or charter bus registered in this state on any public highway
12 or private road open to public motor vehicle traffic unless such stretch
13 limousine or charter bus is equipped with commercial global positioning
14 system (GPS) technology as required by this subdivision and such commercial
15 global positioning system (GPS) technology is used. The presence in
16 such stretch limousine or charter bus of commercial global positioning
17 system (GPS) technology connected to a power source and in an operable
18 condition is presumptive evidence of its use by any person operating
19 such stretch limousine or charter bus. Such presumption may be rebutted
20 by any credible and reliable evidence which tends to show that such
21 commercial global positioning system (GPS) technology was not in use.

22 (c) For the purposes of this subdivision:

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

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1 (i) "Stretch limousine" shall mean an altered motor vehicle having a
2 seating capacity of nine or more passengers, including the driver,
3 commonly referred to as a "stretch limousine" and which is used in the
4 business of transporting passengers for compensation; ~~[and]~~

5 (ii) "Charter bus" shall mean a bus transporting passengers for
6 compensation in a chartered party;

7 (iii) "Chartered party" shall mean a group of persons who, pursuant to
8 a common purpose and under a single contract and at a fixed charge, have
9 acquired exclusive use of a bus to travel together as a group to a
10 specific destination or for a particular itinerary either agreed upon in
11 advance or modified after having left the place of origin by such group;
12 and

13 ~~[(iii)]~~ (iv) "Commercial global positioning system (GPS) technology"
14 shall mean global positioning system (GPS) technology which has been
15 specifically designed to assist in the navigation of commercial motor
16 vehicles.

17 § 2. Severability. If any clause, sentence, subdivision, paragraph,
18 section or part of this act be adjudged by any court of competent juris-
19 diction to be invalid, or if any federal agency determines in writing
20 that this act would render New York state ineligible for the receipt of
21 federal funds such judgment or written determination shall not affect,
22 impair or invalidate the remainder thereof, but shall be confined in its
23 operation to the clause, sentence, subdivision, paragraph, section or
24 part thereof directly involved in the controversy in which such judgment
25 or written determination shall have been rendered.

26 § 3. This act shall take effect on the one hundred eightieth day after
27 it shall have become a law; provided, however, that this act shall be
28 deemed repealed if any federal agency determines in writing that this
29 act would render New York state ineligible for the receipt of federal
30 funds or any court of competent jurisdiction finally determines that
31 this act would render New York state out of compliance with federal law
32 or regulation; provided, further, that the commissioner of transporta-
33 tion shall notify the legislative bill drafting commission upon the
34 occurrence of the provisions of section two of this act in order that
35 the commission may maintain an accurate and timely effective data base
36 of the official text of the laws of the state of New York in furtherance
37 of effectuating the provisions of section 44 of the legislative law and
38 section 70-b of the public officers law. Effective immediately, the
39 addition, amendment and/or repeal of any rule or regulation necessary
40 for the implementation of this act on its effective date are authorized
41 to be made and completed on or before such effective date.