

# STATE OF NEW YORK

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6321--A

2021-2022 Regular Sessions

## IN SENATE

April 21, 2021

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Introduced by Sen. GAUGHRAN -- read twice and ordered printed, and when printed to be committed 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 commer-  
15 cial 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.