STATE OF NEW YORK

6321--A

2021-2022 Regular Sessions

IN SENATE

April 21, 2021

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:

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

54. Stretch limousine **and charter bus** commercial GPS. (a) Every stretch limousine **and charter bus** registered in this state shall be equipped with commercial global positioning system (GPS) technology within no later than one year of the date upon which the national highway traffic safety administration promulgates final regulations establishing standards for commercial GPS.

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

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

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

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

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

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

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