STATE OF NEW YORK

1368

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to stretch limousine roll-over and anti-intrusion protection

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

Section 1. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 55 to read as follows:

55. Stretch limousine anti-intrusion protection. (a) It shall be unlawful to operate or cause to be operated a stretch limousine registered in this state on any public highway or private road open to public motor vehicle traffic unless such vehicle is equipped with roll-over protection devices such as cages or pillars and anti-intrusion bars for the purpose of protecting rear compartment passengers, which shall conform to standards prescribed by the commissioner of transportation in consultation with the commissioner.

(b) For the purposes of this subdivision:

(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.

(ii) "Stretch limousine" shall exclude a historical motor vehicle or any other motor vehicle which is owned and operated as an exhibition piece or collector's item, and is used for participation in club activities, exhibits, tours, parades, occasional transportation and similar uses, but not used in the business of transporting passengers for compensation.

§ 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

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

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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 two years 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. The commissioner of motor vehicles or the commissioner of transportation shall notify the legislative bill drafting commission upon the occurrence of any federal agency determining 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 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.