

STATE OF NEW YORK

9514

IN SENATE

May 16, 2024

Introduced by Sens. COONEY, HINCHEY, MARTINEZ, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law and the vehicle and traffic law, in relation to stretch limousines

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

1 Section 1. Subparagraph (i) of paragraph b of subdivision 9 of section
2 140 of the transportation law, as amended by section 4 of part K of
3 chapter 58 of the laws of 2024, is amended to read as follows:

4 (i) Whenever an altered motor vehicle commonly referred to as a
5 "stretch limousine" has failed an inspection and been placed out-of-ser-
6 vice, the commissioner may direct a police officer or agent of such
7 commissioner to immediately secure possession of the number plates of
8 such vehicle and return the same to the commissioner of motor vehicles.
9 The commissioner shall notify the commissioner of motor vehicles to that
10 effect, and the commissioner of motor vehicles shall thereupon suspend
11 the registration of such vehicle until such time as the commissioner
12 gives notice that the out-of-service defect has been satisfactorily
13 adjusted. Provided, however, that the commissioner shall give notice and
14 an opportunity to be heard within not more than thirty days of the
15 suspension. Failure of the holder or of any person possessing such
16 plates to deliver to the commissioner or agent of such commissioner who
17 requests the same pursuant to this paragraph shall be a misdemeanor. The
18 commissioner of motor vehicles shall have the authority to deny a regis-
19 tration or renewal application to any other person for the same vehicle
20 where it has been determined that such registrant's intent has been to
21 evade the purposes of this paragraph and where the commissioner of motor
22 vehicles has reasonable grounds to believe that such registration or
23 renewal will have the effect of defeating the purposes of this para-
24 graph. The procedure on any such suspension shall be the same as in the
25 case of a suspension under the vehicle and traffic law. Operating such
26 motor vehicle while under suspension as provided in this subdivision
27 shall be punishable by a fine of not less than ten thousand dollars and

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

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1 assessed to the holder or of any person possessing such plates for each
2 offense committed, in addition to any other fines, penalties or actions
3 taken with respect to such conduct.

4 § 2. The vehicle and traffic law is amended by adding a new section
5 511-e to read as follows:

6 § 511-e. Seizure and redemption of unlawfully operated and unsafe
7 commercial motor vehicles. 1. Upon determining that a commercial motor
8 vehicle is operating with an out-of-service defect that is of a type
9 where pursuant to the department of transportation's regulations no
10 inspection would be issued until the defect is repaired and a re-inspec-
11 tion is conducted, or is related to its horn, and an officer, in consul-
12 tation with the department of transportation, determines that allowing
13 the commercial motor vehicle to continue operating would be contrary to
14 public safety, such officer may remove or arrange for the removal of the
15 vehicle to a garage, automobile pound, or other place of safety where it
16 shall remain impounded, subject to the provisions of this section. The
17 vehicle shall be entered into the New York statewide police information
18 network as an impounded vehicle and the impounding police department
19 shall promptly notify the owner and the local authority that the vehicle
20 has been impounded.

21 2. A commercial motor vehicle so impounded shall be in the custody of
22 the local authority and shall not be released unless:

23 (a) The person who redeems it has furnished satisfactory evidence of
24 registration and financial security;

25 (b) Payment has been made for the reasonable costs of removal and
26 storage of the commercial motor vehicle. The registered owner of the
27 vehicle shall be responsible for such payment provided. Payment prior to
28 release of the vehicle shall not be required in cases where the impound-
29 ed vehicle was stolen or was rented or leased pursuant to a written
30 agreement for a period of thirty days or less, however the motor carrier
31 who was operating such vehicle shall be liable for the costs of removal
32 and storage of the vehicle to any entity rendering such service.

33 (c) Where the commercial motor vehicle was operated by a person who at
34 the time of the offense was the owner thereof, (i) satisfactory evidence
35 that the registered owner or other person seeking to redeem the vehicle
36 has a license or privilege to operate a motor vehicle in this state, and
37 (ii)(A) satisfactory evidence that the out-of-service defect or defects
38 forming the basis for such seizure or impoundment have been repaired or
39 the registered owner has provided satisfactory evidence that the vehicle
40 will be permanently taken out of service, or (B) a certificate issued by
41 the court or administrative tribunal in which the seizure action was
42 commenced ordering release of the vehicle prior to the judgment or
43 compliance therewith in the interest of justice, or (C) a certificate
44 issued by the commissioner of transportation or other officer authorized
45 to enforce compliance with remedying out-of-service defects has waived
46 the authorization to hold the vehicle after finding that such release
47 would not be contrary to public safety.

48 3. When a commercial motor vehicle seized and impounded pursuant to
49 this section has been in the custody of the local authority for thirty
50 days, such authority shall make inquiry in the manner prescribed by the
51 commissioner as to the name and address of the owner and any lienholder
52 and upon receipt of such information shall notify the owner and the
53 lienholder, if any, at the last known address by certified mail, return
54 receipt requested, that if the vehicle is not retrieved pursuant to
55 subdivision two of this section within thirty days from the date the
56 notice is given, it may be forfeited. If the vehicle was registered in

1 New York state, the last known address shall be that address on file
2 with the commissioner. If the vehicle was registered out-of-state or
3 never registered, notification shall be made in the manner prescribed by
4 the commissioner.

5 4. A commercial motor vehicle that has been seized and not retrieved
6 pursuant to the foregoing provisions of this section may be forfeited to
7 the local authority upon expiration of the period of the notice set
8 forth in subdivision three of this section provided, however, in comput-
9 ing such period, the period of time during which a criminal prosecution
10 or administrative hearing is or was pending against the owner for poten-
11 tial violations shall be excluded. A proceeding to decree such forfei-
12 ture and to recover towing and storage costs, if any, to the extent such
13 costs exceed the fair market value of the vehicle may be brought by the
14 local authority in the court or administrative tribunal in which the
15 civil or criminal action was commenced by petition for an order decree-
16 ing forfeiture of the motor vehicle, accompanied by an affidavit attest-
17 ing to facts showing that forfeiture is warranted. If the identity and
18 address of the owner and/or lienholder is known to the local authority,
19 ten days' notice shall be given to such party, who shall have an oppor-
20 tunity to appear and be heard prior to entry of an order decreeing
21 forfeiture. Where the court or administrative tribunal is satisfied that
22 forfeiture of a motor vehicle is warranted in accordance with this
23 section, it shall enter an order decreeing forfeiture of such vehicle.
24 Provided, however, that the court or administrative tribunal at any time
25 prior to entry of such an order may authorize release of the vehicle in
26 accordance with subdivision two of this section upon a showing of good
27 cause for failure to retrieve same prior to commencement of the proceed-
28 ing to decree forfeiture, but if the court or administrative tribunal
29 orders release of the motor vehicle as herein provided and the vehicle
30 is not redeemed within ten days from the date of such order, the vehicle
31 shall be deemed to have been abandoned and the court or administrative
32 tribunal upon application of the local authority must enter an order
33 decreeing its forfeiture.

34 5. A motor vehicle forfeited in accordance with the provisions of this
35 section shall be and become the property of the local authority, subject
36 however to any lien that was recorded prior to the seizure.

37 6. (a) For the purposes of this section, the term "local authority"
38 means the municipality in which the commercial motor vehicle was seized;
39 except that if the vehicle was seized on property of the New York state
40 thruway authority or property under the jurisdiction of the office of
41 parks, recreation and historic preservation, the department of transpor-
42 tation, or a public authority or commission, the term "local authority"
43 means such authority, office, department, or commission. A county may
44 provide by local law that the county may act as the agent for a local
45 authority under this section.

46 (b) For the purposes of this section, the term "commercial motor vehi-
47 cle" shall mean a self-propelled or towed motor vehicle used on a high-
48 way in commerce to transport passengers or property as defined pursuant
49 to 17 NYCRR Part 820.

50 7. When a commercial motor vehicle has been seized and impounded
51 pursuant to this section, the local authority or any person having
52 custody of the vehicle shall make the vehicle available or grant access
53 to it to any owner or any person designated or authorized by such owner
54 for the purpose of (a) taking possession of any personal property found
55 within the vehicle, and (b) obtaining proof of registration, financial

1 security, title or documentation in support thereof, and (c) curing the
2 out-of-service defect or defects.

3 § 3. This act shall take effect on the same date and in the same
4 manner as section 4 of part K of chapter 58 of the laws of 2024, takes
5 effect. Effective immediately, the addition, amendment and/or repeal of
6 any rule or regulation necessary for the implementation of this act on
7 its effective date are authorized to be made and completed on or before
8 such effective date.