§ 375-a. Prohibition against retaliatory action. 1. Definitions. For purposes of this section:

(a) "Employee" means an individual who is a driver or operator of a motor vehicle which has a registered maximum gross weight of eighteen thousand pounds or more and performs services for and under the control and direction of an employer for wages or other remuneration.

(b) "Employer" means any registered owner of a motor vehicle which has a registered maximum gross weight of eighteen thousand pounds or more or any person, firm, partnership, institution, corporation, or association that employs one or more employees as herein defined.

(c) "Retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

2. Prohibition. An employer shall not take any retaliatory personnel action against an employee because the employee objected to or refused to operate a motor vehicle which the employee reasonably believes fails to comply with the provisions of subdivision one, insofar as such subdivision concerns brakes and steering mechanism, paragraph (a) of subdivision two, paragraph a of subdivision ten, subdivision eighteen, eighteen-a, twenty-five, paragraph (c) of subdivision thirty-five, thirty-nine, forty or forty-two of section three hundred seventy-five, or section three hundred seventy-six or section three hundred eighty-a of this chapter relating to required equipment of such vehicle or its proper repair.

3. Application. The protection against any retaliatory personnel action found in subdivision two of this section shall apply only to an employee who has brought the above mentioned violations of sections three hundred seventy-five, three hundred seventy-six and/or three hundred eighty-a to the attention of his employer in writing and has afforded such employer a reasonable opportunity to correct such violation.

4. Violation; remedy. An employee who has been subjected to a retaliatory personnel action in violation of this section may institute a civil action in a court of competent jurisdiction for relief as set

forth in subdivision five of section seven hundred forty of the labor law within one year after the alleged retaliatory personnel action was taken. The commissioner or his agent may deny a registration application of any other person for the same vehicle where he has reasonable grounds to believe that such registration will have the effect of defeating the purpose of this subdivision.

5. Existing rights. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any collective bargaining agreement or employment contract.