NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 31, 2023

3:32 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate will come to order.

I ask everyone present to please rise and recite the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT MAYER: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT MAYER: Reading of the Journal.

THE SECRETARY: In Senate, Monday, January 30, 2023, the Senate met pursuant to adjournment. The Journal of Friday, January 27, 2023, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT MAYER: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Breslin

moves to discharge, from the Committee on Rules, Assembly Bill Number 614 and substitute it for the identical Senate Bill 827, Third Reading Calendar 36.

Senator Ramos moves to discharge, from the Committee on Rules, Assembly Bill Number 1000 and substitute it for the identical Senate Bill 851, Third Reading Calendar 60.

Senator Ryan moves to discharge, from the Committee on Rules, Assembly Bill Number 966 and substitute it for the identical Senate Bill 1341, Third Reading Calendar 109.

ACTING PRESIDENT MAYER: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Madam President.

I move to adopt the Resolution Calendar.

ACTING PRESIDENT MAYER: All those in favor of adopting the Resolution Calendar please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: May we now take up the reading of the calendar, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 31, Senate Print 822, by Senator May, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2022.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 31, those Senators voting in the negative are Senators Borrello, Helming, Lanza, Martins, O'Mara, Ortt, Rhoads, Rolison, Skoufis, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 41. Nays, 14.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 36, Assembly Print Number 614, by Assemblymember Peoples-Stokes, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2022.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 60, Assembly Print 1000, by Assemblymember Joyner, an act to amend the Labor Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 60, those Senators voting in the negative are Senators Borrello, Gallivan, Helming, O'Mara and Walczyk.

Ayes, 53. Nays, 5.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 109, Assembly Print 966, by Assemblymember McDonald, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 109, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo, Helming, Lanza, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 38. Nays, 21.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 140, Senate Print 1367, by Senator Martinez, an act to amend the Vehicle and Traffic Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 141, Senate Print 1368, by Senator Kennedy, an act to amend the Vehicle and Traffic Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 142, Senate Print 1369, by Senator Kennedy, an act to amend Chapter 3 of the Laws of 2020.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Madam President.

First of all, let me start by thanking Majority Leader Andrea Stewart-Cousins for bringing this comprehensive package of limousine safety reform bills to the floor here today, and to all my colleagues in the

Democratic Conference for their leadership and support of these important bills.

You know, just a few years ago, in early 2020, we passed the strongest limousine safety reforms in the entire nation through this chamber, and ultimately through the Assembly, to the Governor's desk for signature. And it put New York State in the lead as a model for limousine safety across our country -- to the extent that the federal government actually adopted many of the reforms that we put forward.

This was all driven by the family members of the victims who were taken from us so abruptly and so tragically here in this great state.

I want to recognize those victims and their families here today, Madam President. I'd ask my colleagues, pay respect as we remember them: Axel Steenburg, Amy Steenburg, Richard Steenburg, Allison King, Lauren Baruch, Stephanie Belli, Amy Grabina, Brittney Schulman, Patrick Cushing, Amanda Halse, Erin McGowan, Shane McGowan, Brian Hough, James Schnurr, Mary Dyson, Rob Dyson, Abigail Jackson, Adam Jackson, Amanda Rivenburg, Rachel Cavosie,

Matthew Coons, Savannah Bursese, Scott Lisinicchia, and Michael Ukaj.

I'd like us all to think about those 24 names I just read as we are debating today and as we're passing these bills, because those were 24 lives that were tragically lost in New York in two separate crashes -- one in Schoharie in 2018, one in Cutchogue in 2015.

And because of those souls that were lost, the families took action and led the initiative to create important legislation -- 10 pieces that we passed, as I mentioned, in 2020. And since 2020, the task force that was empowered by this body, led by Nancy DiMonte, who lost a daughter on Long Island, and Kevin Cushing, who lost a son in Schoharie, this task force put together this legislation.

All the legislation we're passing today comes from that task force. And each of these pieces of legislation was done with great care, analyzing data, analyzing the safety standards that were not only delinquent here in New York but across the country.

And so I'm very proud of the work of that task force. One of the pieces of

legislation that we're passing in this moment is the extension of that task force, allowing them to continue to do the work that they've already begun.

It also empowers that task force to hold hearings, if necessary, and will further allow them to dig into the IG report and make further recommendations into the future.

I want to thank my colleagues Senator Hinchey, Senator Scarcella-Spanton, Senator Breslin, and Senator -- where are we here -- Martinez, for their leadership in carrying these important bills.

I'm looking forward to the conversation here today, but I just really want to thank the family members of these victims for taking the extreme grief that they have felt in a very personal way, and sharing that in a very public way so they can create positive change and save lives. There is no doubt in my mind that the work that we're doing here today, on top of the legislation that we've passed in previous years, is going to save lives and most likely has already saved lives here in our great state and across this country. I thank you.

And on that, Madam President, I vote aye.

ACTING PRESIDENT MAYER: Senator Kennedy to be recorded in the affirmative.

Senator Oberacker to explain his vote.

SENATOR OBERACKER: Thank you, Madam President.

When individuals step into a limousine, there is an expectation of safety. On October 6, 2018, that expectation was not met, and lives were lost as a result.

Twenty people were killed in Schoharie County, in my Senate district, in a limousine crash that made global headlines. Laws were broken that day, and we need and can do better. The victims, their families, and the emergency volunteers who responded to that scene, we owe them.

Several new laws have been adopted since that fateful day, but it's still not enough. We need to enforce our current laws and make meaningful revisions to truly improve limousine safety on our highways.

One of our best resources we have

here in New York is the Stretch Limousine Passenger Safety Task Force. This group of passionate individuals have gone above and beyond. Their work is important. Their recommendations have been vital. And allowing them to continue is crucial to preventing further tragedies.

I'm proud to support this bill and the rest of the legislation before us today that will make our highways safer and ensure that the families are not left mourning the loss of their loved ones.

Madam President, I proudly vote aye. Thank you.

ACTING PRESIDENT MAYER: Senator Oberacker to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 143, Senate Print 1370A, by Senator Kennedy, an act to amend the Transportation Law and the Vehicle and Traffic Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 144, Senate Print 1371, by Senator Breslin, an act to amend the Transportation Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 145, Senate Print 1442, by Senator Scarcella-Spanton, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect two years after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

Oh, I'm sorry. Senator Scarcella-Spanton to explain her vote.

SENATOR SCARCELLA-SPANTON: Thank you, Madam President.

This legislation around expanding the required safety equipment in limousines may not seem momentous to some, but we saw two extremely deadly crashes that happened in New York State just a few years ago, including one of our colleagues here in the Senate.

I know that this package of legislation, along with all of my colleagues who I thank so much for putting forward this important package today, at the advisement of a task force including some of the families of the victims, will make our future generations safer.

I know that going to weddings and proms and big life moments are things that are so

critically important to everybody in this room, and you should feel safe doing it.

So with that, I vote aye. I'm excited this is my first piece of legislation I'm passing. So thank you to all my colleagues for the support, and I'm very proud of the entire package of bills today.

Thank you.

ACTING PRESIDENT MAYER: Senator Scarcella-Spanton to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, let's pause for a moment to recognize Senator Scarcella-Spanton for passing her first bill.

(Standing ovation.)

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 146, Senate Print 1443A, by Senator Hinchey, an

act to amend the Vehicle and Traffic Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 167, Senate Print 2230, by Senator Cleare, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

Senator Gianaris, that completes the reading of today's calendar.

SENATOR GIANARIS: Thank you, Madam President.

Can we now move to the controversial calendar, beginning with Calendar 141, by Senator Kennedy.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 141, Senate Print 1368, by Senator Kennedy, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MAYER: Senator Tedisco, why do you rise?

SENATOR TEDISCO: On the bill first, Madam President. Then I'd like to ask Senator Kennedy to yield.

ACTING PRESIDENT MAYER: Senator Tedisco on the bill.

SENATOR TEDISCO: First of all, Madam President, I want to give my condolences to the loved ones who are here today -- and all of the loved ones -- for their loss and say how appreciative I am, I know the Legislature is, I know the 19½ million people in New York State are, for their courage of turning their personal tragedy into something so positive for the rest of the constituents of New York State. For providing us the impetus for their hard work, for allowing us to put the task force in place, which I believe these bills emanate from right now.

We owe that same obligation to them. We all took an oath of office in this room, and that oath of office is probably above and beyond anything else in terms of quality of life, public safety, well-being for the individuals and the families of New York State.

So if they were courageous enough to do everything they could do to make sure these

investigations have taken place, then we can begin -- I don't think we're fully done right now, to tell you the truth -- but begin to make sure this never happens to any other individual or family in New York State. We have that same obligation.

If I could, at this time I would like to ask Senator Kennedy to yield for a question or two.

ACTING PRESIDENT MAYER: Senator Kennedy, do you yield?

SENATOR KENNEDY: I'd be happy to, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: So Senator Kennedy, I just want to put on the record, as you have said, that these bills -- which I'm going to fully support, 100 percent, and I wish we all do -- emanate from the task force, their investigation, the work they did to make these recommendations for us to put these bills together and put them on the floor today and to pass them. They're from a task force emanating from the family -- you and I voted for it, and

they put it together and sent to us. Is that the case?

SENATOR KENNEDY: Through you, Madam President, that is correct.

SENATOR TEDISCO: Are you aware of the fact that --

ACTING PRESIDENT MAYER: Senator Tedisco, are you asking --

SENATOR TEDISCO: Yes, would he yield again. Excuse me.

ACTING PRESIDENT MAYER: Senator Kennedy, do you yield?

SENATOR KENNEDY: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: Are you aware of the fact that over a year and a half ago I asked the IG -- it was a former IG. Now it's IG Lang -- to do her own personal investigation of what the National Transportation Safety Board says was the negligence of two of our state agencies, the Department of DOT and the Department of Motor Vehicles.

I sent her a letter, called her office, we had a discussion, and I said, "I think

it's important that we give the full story. They're owed, as they've given to us, our best effort to drill down and make sure every single part of what allowed that vehicle to be on the road to cause this damage and this disaster.

And by the way, you mentioned Patrick Cushing. He's close to our personal family right here. He was in my office the day before he died, fixing my printer. A very nice person, wonderful family.

And I'm just wondering, did that report by the IG come out before this task force had the opportunity to have her input? Because I think the input -- you probably read the report, didn't you, Senator? It was very damning, as I concluded. She didn't call it that, generally. There was lack of communication, there was this, there was that. But potentially in the -- from what the National Transportation Board said and I read in there, there was some negligence on our part and that vehicle shouldn't have been on the road to begin with.

So part of the responsibility seems to me to have been work that was not done, completed, or followed, whether it was a lack of

communication or anything else. And if there was a lack of communication or anything else, there might be a lack of legislation or something else that can make that communication better.

Am I right in saying that although we did have one delay -- and I guess it was because of the pandemic; in terms of doing their work, they didn't have enough time -- there was a delay of this task force so they could continue to do their work and get it done. And we provided for that by legislation, didn't we?

SENATOR KENNEDY: Through you, Madam President, this -- the legislation we passed that I've already previously spoken of extends the work of the Limousine Safety Task Force to the end of 2024. We had originally extended it. We're extending it again, as requested by the family members on that task force that have put forward these new regulations.

So that task force, again, is going to be able to continue to do the work that they've already begun.

SENATOR TEDISCO: Will the Senator yield for another question?

ACTING PRESIDENT MAYER: Senator Kennedy, do you continue to yield?

SENATOR KENNEDY: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR TEDISCO: I'm not talking about the work, I'm talking about the time of the report. We extended it a bit. The report is -- they're continuing their work. But we extended the time period for when the report had to come out. Am I right, Senator?

SENATOR KENNEDY: What is the question, Madam President?

SENATOR TEDISCO: We extended the time when the report should come out, as well as the period for the work of the committee.

SENATOR KENNEDY: Madam President, the work of the task force report got extended because of COVID and the pandemic.

We are continuing to empower a panel of family members, of experts in the field, of business leaders, of industry leaders that care about safety on the roads. We extended that today. I think there's no question about their work and the importance of that work and the

importance of continuing that work.

SENATOR TEDISCO: If the gentleman will yield for another question.

ACTING PRESIDENT MAYER: Senator Kennedy, do you yield?

SENATOR KENNEDY: Of course.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR TEDISCO: So we extended the time period of their work, but we did not extend it long enough. Which I believe a number of members of that committee -- you can correct me if I'm wrong -- asked for an extension of when the report had to be made.

Because wouldn't it have made more sense for an internal investigation of the responsibility of this state and two of their agencies to be put in place and given to that committee before they gave us any set of reported pieces of legislation? These are fine. I'm voting for them. I think they're great. But these families and this state deserves to know the full story. The National Transportation Safety Board said there was culpability. And to my extent, reading the report of Lang, after the

report came out by the committee we put together -- who did a wonderful job with the information they have, I think, but didn't have the report of the commissioner --

ACTING PRESIDENT MAYER: Senator Tedisco --

SENATOR TEDISCO: -- the IG.

ACTING PRESIDENT MAYER: Senator Tedisco, what is your question for Senator Kennedy?

SENATOR TEDISCO: I'm getting to that. I think it's important.

ACTING PRESIDENT MAYER: I -- I -- I've been very kind, but you need to ask a question.

SENATOR TEDISCO: Okay. Tell me what that time period is before I have to exactly give it, and I'll know next time. Thank you.

But wouldn't it be imperative to really have a full report, to wait for the IG's report, delay when that -- they continue to do their work. They didn't have to give the report now. We could have. But wouldn't it have made more sense to have that IG's report in their hands to find out that she said there's been a

lack of communication here, and they weren't talking with each other, and it didn't pass inspection but we still didn't take it off the road?

And there was a discussion that they were treating Prestige with kid gloves. That was a statement that was made. Why would DMV or DOT treat Prestige with kid gloves? What was going on?

I mean, I guess wouldn't it have made more sense to have the report in place and have it given to our task force so they could have made a more full report?

SENATOR KENNEDY: Through you, Madam President. Look, we empowered a panel, a task force. The IG report came out after this task force had been created. The leaders on the task force requested the extension of the task force so they can continue to do their work, including taking information from the IG report and continuing to advance good, quality concepts, initiatives and legislation for us to consider to move forward. That's what we're doing here today.

SENATOR TEDISCO: Will the

gentleman yield further for a question?

ACTING PRESIDENT MAYER: Senator Kennedy, do you yield?

SENATOR KENNEDY: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR TEDISCO: After this report came out and the report of our task force came out, I wrote you a letter and I contacted your office. You are the chairman of the Transportation Committee. You have the power of subpoena. There were questions made by the IG. Wouldn't it make sense that we legislatively have our own investigation, you subpoena the leaders of the Department of Transportation, Department of Motor Vehicles? What would be the harm in that to bring them in and say, What were all these questions about the lack of communication? Is there anything legislatively we can do to make sure that communication works better for our two agencies and our two departments and their leader? Wouldn't that be all right?

You didn't respond to me, but you can respond today to everybody, to the families and the 19½ million people in New York State.

SENATOR KENNEDY: Through you, Madam President. We are responding through real action today. We are not thinking or concerning ourselves with empty rhetoric or, you know, looking backwards.

We care about moving forward and protecting the citizens of New York State and making the limousine industry and the commercial vehicle industry the strongest we possibly can in New York, and to serve as a model for the nation.

The task force that we have now passed as an extension, also has a component within it to hold public hearings as they see fit. So once again, this panel of individuals, who are clearly engaged in the conversation on a very personal level, will continue to do that work as we've empowered this panel.

I think, Madam President, that says it all.

ACTING PRESIDENT MAYER: Thank you, Senator Kennedy.

SENATOR TEDISCO: Thank you, Senator.

On the bill.

ACTING PRESIDENT MAYER: Senator

Tedisco on the bill.

SENATOR TEDISCO: You can make all the accusations in the world. All I know is everybody who lost their life and every family member and every New Yorker in this state should know exactly what took place which led to this loss of life and this failure to have this vehicle on the road.

I don't care who it was -- if it was Mavis, the person who owned the facility, Prestige, DMV, the IG, DOT. We should know every single thing about it. The families should know every single thing about it. They should know what led to that -- what led to any lack of communication, if there was lack of communication? Why didn't they interact? Why didn't they get this -- this vehicle off the streets? It seems over and over and over they were interacting with these people.

And you know what? After this took place, I believe there were 35 other vehicles in a short period of time which had their vehicles taken off the streets in New York State. So why wasn't this one taken off the streets? Why was it left out there to destroy people's lives?

And I think the task force is going to go on, continue to do a good job. But I'm concerned about sometimes the leadership of a task force who has the two heads of those state agencies running it: The leader of the Department of Motor Vehicles and the leader of the Department of DOT. And from my point of view, there should have been people who were appointed in some way by the National Transportation System Board, not agencies in New York State who might have had and they believe they had a real negligence in this.

So I'm happy and proud of the fact of our constituents and how they're fighting for their best interests for their loved ones and their families and, by extension, all the families of New York State. But I think there's more to this story that needs to be talked about and corrected.

And I know that task force hopefully will continue to work, but we have an obligation ourselves as legislators in a legislative body. We have subpoena power by our committee leaders. And I'm still going to request that this committee have its own hearing, bring in those

individuals, use your subpoena power, and ask the question. How can it harm that we bring them in and say, what was this lack of communication? We just want to know, is there legislation -- there might not be, but there might be legislation that could make that better. And we should know if there is.

Thank you, Madam Speaker -- President.

ACTING PRESIDENT MAYER: Are there any other -- oh, yes.

SENATOR RHOADS: Thank you, Madam President. Would Senator Kennedy yield?

ACTING PRESIDENT MAYER: Senator Kennedy, do you yield?

SENATOR KENNEDY: Sure.

SENATOR RHOADS: Just a couple of -- first off, just a couple of quick questions, technical questions about the bill and about its effectiveness.

And first off I do want to join my colleagues in thanking the task force for their incredible work, and thanking them for the underlying idea behind this bill, is providing the rollover protection and providing

anti-intrusion protection, which is a fantastic idea.

Just with respect to existing limousines, do we know how many existing stretch limousines there are in the state?

SENATOR KENNEDY: I do not have that information readily available, how many stretch limousines there are in New York State at this moment.

SENATOR RHOADS: And will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KENNEDY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: The reason for my question is that it's my understanding that this bill applies to all stretch limousines, not just new stretch limousines that are purchased. Correct?

SENATOR KENNEDY: Through you, Madam President, that is correct. This bill incorporates all limousines.

SENATOR RHOADS: Will the sponsor

continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KENNEDY: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR RHOADS: Do we know if the task force or if your office was in contact with any of the stretch limousine operators or contractors to determine whether -- what the cost would be and whether there's enough capacity to be able to retrofit all existing stretch limousines within the two-year time frame that you've provided in the bill?

SENATOR KENNEDY: Through you, Madam President, yes. The industry leaders, including business leaders in the stretch limousine space, were not only a part of the decisions on this legislation, they were part of the task force.

So it was -- again, the task force was made up of leaders, family members of the victims who have perished, leaders in the industry -- business leaders, safety leaders. And so this is a very comprehensive set of bills

that we're passing here today that have been well thought out, analyzed through data, and again, creating the safety limousine requirements in the nation.

SENATOR RHOADS: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KENNEDY: I will.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR RHOADS: Thank you, Senator Kennedy.

Through you, Madam President. So there's no concern on your part about the ability to be able to comply with the law -- because that's ultimately what we want -- in terms of capacity and making sure that we can retrofit all of the existing stretch limousines?

SENATOR KENNEDY: Through you, Madam President, limousine companies, stretch limousine companies, will have two years to comply with this legislation, to have their limousines retrofitted.

We know that this bill will require

those limousines to have rollover protection, intrusion bars, and other devices -- cages, pillars -- where it prevents the horrific loss of life in the case of an unfortunate car crash, vehicle crash.

During the crash in Cutchogue, the limousine was performing a U-turn, it was sideswiped, broadsided. And the vehicle that T-boned that limousine and killed four people of the eight that were in it, and maimed and ruined the lives of the others in that vehicle, it went right through that vehicle. With intrusion bars, anti-intrusion bars affixed to that vehicle, we may have saved lives that day.

In the crash in Schoharie, that vehicle also, during the crash, rolled over. All of the passengers of that vehicle, and the driver and two pedestrians, were killed that day. It is also our belief that had rollover bars been in place and other pieces of legislation had been enacted and complied with, those lives also may have been saved that day.

As a matter of fact, with the legislation that we enacted two years ago, that vehicle would have never even been on the road.

So yes, I believe that not only should these requirements be enacted for all stretch limousines, including those on the road, but that it will save lives. And there is -- there is the -- the life, the lives that we have to think about, those 24 that perished, you have to think about the cost of each life. And we have to make sure that we're protecting people moving forward.

SENATOR RHOADS: Will the sponsor yield for an additional question?

ACTING PRESIDENT MAYER: Will you yield for another question?

SENATOR KENNEDY: Yes.

ACTING PRESIDENT MAYER: Yes, the sponsor will yield.

SENATOR RHOADS: Through you, Madam President. Thank you, Senator Kennedy.

Please don't misunderstand my question. The question is not should this be done; I think there's general agreement that it should be done. My question was, can it be done, and is the two-year -- are we confident that the two-year time frame is enough time to be able to retrofit all of the existing stretch limousines

to make sure that they're in compliance with the law? That was my question.

SENATOR KENNEDY: Through you, Madam President, yes.

SENATOR RHOADS: Thank you.

ACTING PRESIDENT MAYER: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect two years after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Martins to explain his vote.

SENATOR MARTINS: Madam President, just very briefly.

First of all, I want to thank Senator Kennedy for his work on this effort. We've heard the name Cushing often this afternoon. And just what a small world it is, Scott Cushing is a dear friend of mine from my

district, who was Patrick's cousin, and has kept us apprised of the work of the task force.

I want to thank the task force for the work they did. It's important work. Each and every one of us has had family members in a limousine -- for a prom, for a wedding, for a special event. The idea that we have gone this far without having this kind of a comprehensive review of safety when it comes to limousines -- obviously, it's long overdue.

I thank everyone for supporting this, and I will be voting aye, Madam President. Thank you.

ACTING PRESIDENT MAYER: Senator Martins to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 141, voting in the negative: Senator Ortt.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 143, Senate Print 1370A, by Senator Kennedy, an act to amend the Transportation Law and the

Vehicle and Traffic Law.

ACTING PRESIDENT MAYER: Senator Palumbo.

SENATOR PALUMBO: Thank you, Madam President. Would the sponsor yield for a few questions, please.

ACTING PRESIDENT MAYER: Senator Kennedy, will you yield?

SENATOR KENNEDY: I will.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR PALUMBO: Thank you, Senator Kennedy.

And again, I too would like to thank you for your hard work on this package of bills, and all the other members who have sponsored these bills. I will be voting for all of them; I just was looking for a little clarification on this particular bill. And to all of those New Yorkers who deserve a safer commercial vehicle and limousine industry, because I live about two miles from the Cutchogue crash that took the lives of four and injured four others. So again, I do appreciate your work on this.

And regarding the specifics of this

bill, I guess I -- I'm looking on page 3 of the bill, down at the bottom, Section 6(b), it describes commercial motor vehicles pursuant to the CRR. I don't need to get into the specifics, but any self-propelled or towed vehicle used on the highway in commerce to transport passengers or property is defined pursuant to the Codes, Rules and Regulations. And that's commercial vehicles in general, is that correct? Or can you just elaborate on that a little bit?

SENATOR KENNEDY: Through you, Madam President, yes, that is correct.

What we're doing here with this legislation is actually expanding the bill that we passed back in 2020 that will allow for seizure and impoundment of vehicles that are out of service, not in code, unsafe and shouldn't be on the road. Not just stretch limousines, but commercial vehicles as well.

We're also increasing the penalty for those bad actors that don't want to comply with the law, they want to break the law, they want to put the public in harm's way. We are going to make sure that they're held accountable, and we're increasing the fine for each offense up

to $10,000 and a year in jail for each offense.

SENATOR PALUMBO: Thank you, Senator.

Would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KENNEDY: I will.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And so back in the -- I guess on page 2, where it indicates the language regarding the seizure and that if a vehicle has an out-of-service defect, it can then be seized. Is that accurate?

SENATOR KENNEDY: Through you, Madam President, that is correct.

SENATOR PALUMBO: Thank you.

Through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KENNEDY: I do.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR PALUMBO: Thank you, Senator Kennedy.

And if you look further down at line 21, it indicates that in the event that it does not pass the inspection, such officer may remove or arrange for the removal of the vehicle to a garage. So that's not a mandatory removal, is that accurate?

SENATOR KENNEDY: Through you, Madam President, the Department of Transportation and the DMV have the ability to seize and impound a vehicle that is out of service that, if it is on the road, it will be a danger to the public.

We saw this particularly in the Schoharie crash, where there were plenty of out-of-service defects. That car should not have been on the road. We enacted legislation that would allow that car to be impounded and taken off the road, physically taken off the road, seized. Because in the case of Schoharie, the owner, the bad actor, allowed that vehicle to continue to be used with a number of glaring defects that put the victims in -- put the passengers in harm's way, and sadly made them

victims that day.

SENATOR PALUMBO: Thank you, Senator. Would you continue to yield, please.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KENNEDY: I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Thank you.

And I think we all embrace and absolutely encourage that. And again, I thank you for bringing that legislation forward.

In the first part of the bill, which amends Section -- what is it, 140 of the Transportation Law? Yes. That applies specifically to stretch limousines, increasing the penalties and making it an A misdemeanor to operate under such a suspension.

But the second part of the bill that we were just referring to on page 2, 511-e, applies to all commercial vehicles. Can you reconcile that for me? Because it looks as though this may actually incorporate all commercial vehicles, such as a -- you know, an asphalt truck or commercial vehicles as defined

under the CRRs that I first defined at the beginning of our conversation.

So it's not just specific to limousines. And can you reconcile that and tell me if I'm wrong, please?

SENATOR KENNEDY: Yeah. Through you, Madam President. Once again, we passed this legislation three years ago, in January of 2020 -- again, the most comprehensive limousine safety regulations in the nation. They were such strong pieces of legislation that they were adopted at the national level by the federal government in many ways.

The legislation that -- one of the pieces of legislation that we passed allowed for the seizure and the impoundment of stretch limousines that were out of code. What this bill does, again, today is it expands that to other commercial vehicles.

SENATOR PALUMBO: Thank you, Senator. Will you yield for just one or two more questions, please?

SENATOR KENNEDY: Of course.

ACTING PRESIDENT MAYER: The Senator will yield.

SENATOR PALUMBO: Thank you.

And regarding the recognition of an out-of-service defect, is there any requirement that limousines actually get inspections other than just an annual inspection of a car? When we talk about generally commercial vehicles where there are weigh stations -- and typically those vehicles would be required to get weighed, possibly, make sure their registration is compliant with their actual weight. Or say, for example, an out-of-service defect on a truck could be the brake calipers are slightly out of -- out of -- I guess what was the word I'm looking for? Spec? That they're not properly adjusted, that they were out of adjustment.

And those can sometimes be remedied on the road, and other times they can't. For example, if a tire is -- doesn't have enough air in it. And those can be remedied quickly. But those are required inspections for commercial vehicles.

Regarding stretch limousines now, are they going to be required to do anything other than an ordinary annual inspection?

SENATOR KENNEDY: Through you,

Madam President. The stretch limousines are inspected twice a year by the DOT, and also spot-checked. So at any point in time, if there is an out-of-service recognition, that that car can be -- that vehicle can be immediately impounded.

SENATOR PALUMBO: Thank you, Senator. One last question in that regard. Would you yield for that, please.

ACTING PRESIDENT MAYER: The Senator will yield.

SENATOR KENNEDY: I do.

SENATOR PALUMBO: Do they actually inspect -- and I just don't know, I'm just curious. Do they inspect on limousines, whether or not their brake calipers are within adjustment, or other things that are typical with a commercial vehicle inspection?

SENATOR KENNEDY: Through you, Madam President. Yes, there is a checklist that the Department of Transportation does as a part of these inspections. And part of those include the brake lines.

Again, in the case of the horrific and tragic Schoharie crash, that vehicle with

brake problems, to put it lightly, would never have been on the road had this legislation been in place.

SENATOR PALUMBO: Thank you.

Madam President, on the bill, please. Thank you.

ACTING PRESIDENT MAYER: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you, Madam President.

And I'm glad you clarified that, Senator Kennedy, because that was my concern. I'm voting for all of these bills, of course. I think we all generally are. And this is an important distinction to make.

But my concern, which is a slight concern, we might want to revisit some of the language in this bill, because the officer "may" remove the vehicle from the road. I think it should be a "shall" remove the vehicle from the road.

And also I would like to get a little bit more in depth on the extent of the biannual inspections of a stretch limousine. Because as we know, motor carriers are on the

road all the time, they're getting pulled over -- sometimes weekly -- where there will be checkpoints, and every commercial vehicle needs to go through the weigh station, the troopers or the local police department, their highway units, will inspect those vehicles and continue to keep them in proper -- make sure the maintenance is current and keep them properly equipped and safe.

So I do appreciate this is an absolutely laudable goal. We all can embrace it, as I said. I think it should be a little bit more specific almost in the inverse. Where we're applying these standards to all commercial vehicles, we should probably do it in the inverse and make it specific to limousines and tighten up those restrictions.

But I appreciated the opportunity to discuss it with the sponsor, and I will be voting in the affirmative.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Are there any other Senators wishing to be heard?

Seeing and hearing none, the debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 143, voting in the negative: Senator Walczyk.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 146, Senate Print 1443A, by Senator Hinchey, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MAYER: Senator Weik, why do you rise?

SENATOR WEIK: Through you, Madam President, would the sponsor yield for questions.

ACTING PRESIDENT MAYER: Would the sponsor yield for some questions?

SENATOR HINCHEY: I will.

ACTING PRESIDENT MAYER: The Senator yields. There she is, I'm sorry, Senator Hinchey.

SENATOR WEIK: Through you, Madam President, I'm just curious. The bill is -- says 10 years or 350,000 miles are the standard. Where did you arrive at this -- these numbers?

SENATOR HINCHEY: Through you, Madam President, these were recommendations from the task force. And so the 10 years or 350,000 miles was agreed upon and recommended from every -- all the members of the task force.

SENATOR WEIK: And through you, Madam President, would the sponsor yield for another question?

ACTING PRESIDENT MAYER: Senator Hinchey, do you continue to yield?

SENATOR HINCHEY: I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WEIK: Thank you.

Did you happen to speak to any of the local limo companies or get any feedback from local businesses?

SENATOR HINCHEY: Through you, Madam President. Included in the task force were local limo operators around the state.

SENATOR WEIK: Through you, Madam President, would the sponsor yield for another question?

ACTING PRESIDENT MAYER: Senator Hinchey, do you yield?

SENATOR HINCHEY: I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WEIK: Thank you. Do we -- through you, Madam President, do we impose these restrictions on any other public transportation?

SENATOR HINCHEY: Through you, Madam President, yes. For school buses, for instance, the phaseout is traditionally 10 to 12 years, and it was actually recommended 10 to 12 years in this task force as well, and we went with 10 to be safer for people for a whole host of reasons.

SENATOR WEIK: Madam President, through you, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HINCHEY: I do.

SENATOR WEIK: I'm just curious, with that public transportation, was there an imposition of 350,000 miles or were the miles far less significant?

SENATOR HINCHEY: Through you, Madam President, the mileage comes from the task force and their report to us as their recommendation.

SENATOR WEIK: Through you, Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Senator Hinchey, do you continue to yield?

SENATOR HINCHEY: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WEIK: So I'm just curious -- 350,000 miles, most of us wouldn't drive a car at that amount of mileage. So I'm just curious how that became part of -- if you're so concerned about the 10 years, why is 350,000 miles an okay limit to set for this bill?

SENATOR HINCHEY: Through you, Madam President. The bill is 10 years or

350,000 miles, whichever one comes first.

So to your point, 10 years probably will be less -- the limousine will probably have less than 350,000 miles. At that point, it can be phased out.

SENATOR WEIK: Thank you.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Weik on the bill.

SENATOR WEIK: So I just want to put this into perspective. I drive to and from Albany on a regular basis. I'm a busy mom, I also drive around my district. I average about 17,000 miles a year on my car, and that's being generous. Seventeen thousand miles on my car for 10 years is 170,000 miles. At 170,000 miles and 10 years, I'm probably going to trade in my car, I'm probably going to look for something that's a little more safe to bring my family around.

So when we apply these limits to a business that operates a stretch limousine -- and a stretch limousine, I want to be clear, is nine-plus passengers. This is not a small car. This is not something to be taken lightly. And I think that 10 years or 350,000 miles doesn't seem

to really go together.

So I did speak to the Long Island Limousine Association, that said 10 years is unreasonable and that stretch limos are usually low-mileage vehicles, they are not used on a regular basis. This is the kind of vehicle that we're going to use for weddings or proms. These are not driving on a daily basis.

I also took some time and called some of my local businesses. I reached out to a Five Star company that's been working in my district for 25 years, and he has a 2008 stretch limo that does not get used often, he uses it for weddings and proms, and it only has 85,000 miles on it. It looks like new, it's well cared for because they're so expensive to purchase.

I also want to point out that as I was speaking to these individuals, they were talking about how the manufacturing of limos has been compromised over the last two years due to the pandemic, and they're not being built as well.

I would have liked to have seen something in this bill that really addressed safety requirements. As we talk about some of

the -- the two tragedies, the one in Long Island in particular, where the stretch limo -- we had four beautiful young women who were out trying to be responsible, they hired a limousine for their day out to the vineyards and were tragically killed in that accident. At this point, you know, we have the driver who made a U-turn who probably shouldn't have made a U-turn in that area. Certainly if the car was equipped with safety measures, that could have helped.

But I would have liked to have seen more safety measures for drivers of limousines in addition to that. Just because we're looking at 350,000 miles and 10 years, which I think is not really -- it's kind of arbitrary, and it puts an onus on business owners, I'm going to be voting in the negative.

Thank you.

ACTING PRESIDENT MAYER: Are there any other Senators wishing to be heard?

Senator Kennedy.

SENATOR KENNEDY: Yes. Would Senator Weik stand for a question, please?

ACTING PRESIDENT MAYER: Senator Weik, will you yield for a question.

SENATOR WEIK: Yes, sir.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR KENNEDY: I'm just curious, Senator, if you had an opportunity -- I know and I appreciate your comments about your due diligence and reaching to business leaders and different individuals. Did you have an opportunity to speak with anybody on the task force?

SENATOR WEIK: Through you, Madam President, no, I did not.

SENATOR KENNEDY: Madam President, this bill that is put together --

ACTING PRESIDENT MAYER: Senator Kennedy, are you on the bill?

SENATOR KENNEDY: On the bill.

ACTING PRESIDENT MAYER: Senator Kennedy on the bill.

SENATOR KENNEDY: This bill -- and I want to thank Senator Hinchey for her leadership in bringing this bill to fruition.

But I want to clarify what some of my colleagues across the aisle had to say. Ten years or 350,000 miles, this was put forward by

the task force, by industry leaders, by families of victims. This isn't some haphazardly thrown-together legislation just picking numbers out of the clear blue sky.

This is legislation that affords businesses to continue to do their work, but do it in a safe manner. It also protects the public that uses these vehicles. No one should have to think about whether or not they're going to return home to their family and their loved ones and their neighbors when they go out for a night on the town in a limousine. That's what this is all about.

But there's a waiver component put in place between the Department of Transportation, the DMV, and the State Police that will allow, if a business in fact sees so fit to challenge that 10 year or 350,000 mile threshold, to keep that vehicle on the road if in fact it is deemed safe. So there are safeguards for businesses put in here as well.

And again, I want to thank Senator Hinchey for her leadership.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect two years after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Madam President.

We've talked a lot about the timelines within this bill, and I want to clarify a couple of points as well. Senator Kennedy touched on the waiver. But the limo that crashed in Long Island was nine years old, and at that point the rims were actually starting to bend. What we were told is the rims were actually just starting to bend, because at 10 years it's where most of the rims on limos actually do start to erode. And just an inspection may not have

caught that.

And so a phaseout is critically important to actually make sure that the vehicles that are on the roads that are transporting our families, that are transporting our friends, are actually safe. So an inspection alone, while critically important, may not catch all of the things that we know, at 10 years, is a bigger problem for commercial vehicles like limousines.

The limo in Schoharie, it was carrying family and friends of people who lived in my old district in Montgomery County. That limo was 10 years old.

And so this bill we know is going to save lives. This package is critically important, because it's each one of these pieces together that will make sure that the limos on the streets will actually keep people safe.

And if you live in an upstate community, you know when you are taking a limo, a limousine somewhere, you're probably traveling a far distance. If you want to go to an airport -- that's 200 miles from my house just to the airport in New York City, one way. And I actually live pretty close to the city.

And so the mileage requirements and the safety requirements are incredibly important. Also, for upstate, because of the road conditions, salt and others, they wear away at those limousines even more because they're driving often in sometimes more treacherous environments.

And so this package is critically important to keep people safe. I'm really proud to have a bill in this package. I thank the families involved in the task force and everyone else on the task force for their great work. And I look forward to continuing to see the recommendations that come out of the extension, because we know we have more to do to make sure that people in New York State are safe when they're on the roads.

And for that, I vote aye. Thank you.

ACTING PRESIDENT MAYER: Senator Hinchey to be recorded in the affirmative.

Senator Lanza to explain his vote.

SENATOR LANZA: Thank you, Madam President.

I support this package of safety

legislation. I think a lot of it makes sense. I do want to say -- and I'm going to vote in the affirmative on this piece of legislation. But -- and while I commend the work of the task force, I don't think that we should all just, you know, rest on the work that comes out of that task force or say that, you know, they are the be-all and end-all on the subject.

And while I support this, I think my colleague Senator Weik makes a lot of sense when it comes to this piece of legislation. I like the portion of this legislation that says if it's got more than 350,000 miles, it's probably time to retire it. But the 10 year -- albeit from the task force -- it seems a bit arbitrary. I ask a rhetorical question of this body: Would you rather get in a limousine that is 12 years old and has 500 miles on it or a five-year-old limousine that has 349,000 miles on it?

So the 10-year portion of this doesn't make sense to me. In certain situations I think it's going to hurt businesses out there. I'd like to see that changed.

I do support the legislation, and I vote aye.

ACTING PRESIDENT MAYER: Senator Lanza to be recorded in the affirmative.

Senator Rhoads to explain his vote.

SENATOR RHOADS: Thank you so much, Madam President.

I want to thank Senator Hinchey for advancing this legislation.

I am voting in the negative, however. Not because I don't understand the concept of the bill or agree with the concept of the bill; I certainly do. Much as Senator Lanza's point, I do have a problem with the arbitrariness of the 10-year figure. It's not age that matters, it's maintenance that matters.

You know, for example, we can have a a 54-year-old in great shape because they're well maintained, and then you can have me, not maintained quite as well.

(Laughter.)

SENATOR RHOADS: But the point is --

SENATOR BORRELLO: You need an oil change too.

SENATOR RHOADS: That's it.

But the point is that this is going

to impact some of the small independent operators of limousines, particularly in light of the previous piece of legislation that we just passed, which is requiring now these existing small operators to retrofit their limousines with roll bars and with anti-intrusion equipment.

If you have a six-year-old limousine that would ordinarily qualify that you now have to invest tens of thousands of dollars to install this additional safety equipment, does it now make sense for you -- if you're a solo operator, does it now make sense for you, knowing that that limousine now only has a useful life of 10 years even though it may only have 50,000 or 60,000 miles on it?

So I think that this bill is going to harm some of the smaller independent operators, and for that reason I'm standing -- or I will be voting in opposition to the bill.

ACTING PRESIDENT MAYER: Senator Rhoads to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 146, those Senators voting in the negative are Senators Borrello, O'Mara, Ortt,

Rhoads, Walczyk and Weik.

Ayes, 57. Nays, 6.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 140, Senate Print 1367, by Senator Martinez, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MAYER: Senator Murray, why do you rise?

SENATOR MURRAY: Thank you, Madam President. Would the sponsor yield for a couple of questions?

ACTING PRESIDENT MAYER: Senator Martinez, do you yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MURRAY: Good afternoon, Senator.

I wanted to say, first, thank you for this. I think this is a very good idea, as many of the bills today have been. We have heard of several tragedies that have occurred that we hope to avoid and take any action we can to do that, including one that Senator Weik had

mentioned in our county of Suffolk County a few years ago. And I think this could go towards that.

However, my concern is I'm reading through the bill and we're -- the person is to provide a pre-trip safety briefing, but I can't find exactly what the briefing consists of. What exactly would the briefing consist of?

SENATOR MARTINEZ: Through you, Madam President. Well, thank you for supporting this bill.

So what it would consist of is the Department of Motor Vehicles, the commissioner of the Department of Transportation and State Police, will be empowered to come up with this briefing and make sure that our motor carriers are then training their drivers to ensure that our passengers are briefed for -- before they get into the limousine, to make sure they know where the fire extinguishers are or even what our fellow Senators pass in terms of the breaking-window tools and so forth.

SENATOR MURRAY: Through you, Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield, Senator Martinez?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MURRAY: Thank you.

But do we have specifics -- at this point, as we're voting today, do we have specifics of what would be on -- I believe there's a form that would be there. Do we have specifics as to what would be on the form?

SENATOR MARTINEZ: Through you, Madam President, we have allowed the commissioners to decide on that. We have given them that power to create the briefing so then they can bring on to the motor carriers to make sure their drivers are -- are informed of the safety features.

So the answer is no. They will come up with the briefing.

SENATOR MURRAY: Through you, Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MURRAY: And when they do come up with that, would there be an opportunity for us maybe to provide input or someone to provide input on maybe adding some things? Or something like, for example, our colleague Senator Scarcella-Spanton just passed the legislation regarding the fire extinguishers, the breakable glass tool -- maybe adding those things onto the form for the training.

SENATOR MARTINEZ: Through you, Madam President. I am going to leave it to the experts of our commissioners, with these legislations that we have passed, that they will take that into consideration and put that in their briefing.

So, for example, if the briefing comes up from the commissioners that the passengers need to be informed of the window-breaking or the fire extinguishers, this would be within that packet.

SENATOR MURRAY: Thank you.

On the bill, Madam President.

ACTING PRESIDENT MAYER: Senator Murray on the bill.

SENATOR MURRAY: Thank you, Senator Martinez.

Again, as I said, I think this is a great idea. I think briefing them on the safety measures is good. My only concern is the fact that we're voting today on a bill that we really don't know what it consists of exactly, what the form consists of and whether or not we can make changes. I hope that we would be able to give some input in the future as to adding some things in or making it even safer.

So I appreciate the sponsor's efforts, and I will be voting yes. Thank you.

ACTING PRESIDENT MAYER: Senator Martinez on the bill.

SENATOR MARTINEZ: Thank you.

I just want to say thank you to all of my colleagues who are supporting this packet of legislation, because it is so important to make sure that our families are heard from this task force, and our commissioners.

And especially, for me, this is also very personal, due to the fact that it happened

in our hometown of Suffolk County. And my colleagues from the other side understand how important it is.

And we also know that our limousines are a chosen type of transportation for good things and happy things. But as the leader put it earlier today, we don't want these limousines to also be going to funeral homes because we're not doing our due diligence.

So I do appreciate my colleagues' support on this, and I look forward to making New York an even more safer place. Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Martinez.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Madam President.

I just once again want to congratulate Senator Martinez for her efforts on this bill. My other colleagues, Senator Breslin, Senator Scarcella-Spanton, Senator Hinchey.

I want to thank again Majority Leader Andrea Stewart-Cousins for bringing these bills to the floor and working so aggressively as a Democratic Conference to make our streets safer.

There was just a comment about us voting on a bill with questions about where we go. It couldn't be more clear. The Department of Transportation, the DMV as well, has to work together to come up with pre-trip briefings for the passengers so that they are safe. It is a simple yet we believe profound way to help make sure that the limousine industry here in New York State is as safe as possible.

That includes making sure people know where the safety equipment is. God forbid, in the event of a crash, someone needs to know

where the escape hatch is, the emergency exit, the fire extinguisher, the break glass. They will be informed.

Also, with the legislation we passed back in 2020 informing the passengers of a seat belt requirement, there are a number of things that a simple briefing can do.

I want to thank Senator Martinez again for her leadership. And again, I cannot emphasize enough the work of the task force and the families that have driven this limousine and commercial vehicle safety agenda forward here in the State of New York, leading the entire nation.

With that, Madam President, I vote aye.

ACTING PRESIDENT MAYER: Senator Kennedy to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 167, Senate Print 2230, by Senator Cleare, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Senator

Borrello, why do you rise?

SENATOR BORRELLO: Thank you, Madam President. Will the sponsor yield for a question.

ACTING PRESIDENT MAYER: Senator Cleare, do you yield?

SENATOR CLEARE: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Thank you, Senator Cleare.

First of all, this is a very disruptive thing when an assisted living facility closes. We actually have one going through that right now in my hometown of Fredonia. And I understand the purpose of this, and I agree with the purpose of this. But I do have some questions I'd like some clarity on, potentially.

First and foremost, you know, whenever a facility goes through this closure process, the Department of Health requires 120-day notice and a plan, correct?

SENATOR CLEARE: That is what the bill is asking for, the underlying --

SENATOR BORRELLO: Madam President,

will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield, Senator Cleare?

SENATOR CLEARE: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR CLEARE: Sorry. Through you, Madam President.

SENATOR BORRELLO: Absent that -- no, and prior to this bill, without this bill, there still was a 120-day closure plan requirement from Department of Health, isn't that correct?

SENATOR CLEARE: Through you, Madam President, no.

SENATOR BORRELLO: All right. Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR CLEARE: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Yeah, I would disagree with that, but perhaps -- for the moment

we'll take that as -- as the case. There is a closure plan required by Department of Health absent this bill.

However, with that, this bill is asking for 180 days of notice, is that correct?

SENATOR CLEARE: Through you, Madam President, this bill is asking for 90 days.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR CLEARE: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR BORRELLO: During that period of time it requires that no new admissions can occur. Is that correct?

SENATOR CLEARE: Through you, Madam President, we're not sure about that.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR CLEARE: Yes.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR BORRELLO: So our understanding and analysis was there would be no new admissions allowed in that time period, based on our -- you know, our analysts are reading the law that -- that was written.

So it's -- it seems -- it's unclear whether or not they can accept new admissions. And that's my question. Because the place in particular that I'm speaking of, as well as many other assisted living facilities, accept people for respite care. Sometimes, you know, you're going out of town and you have an elderly parent and you need them to stay a few days or a week. Many assisted living facilities also provide rehab care, rehabilitation.

So in that 90-day period -- and when a place like this is going to close, in rural areas like mine, there may be no other options -- would they still be allowed to accept respite care and rehabilitation patients in that 90-day period?

SENATOR CLEARE: Through you, Madam President, that is already in the law. That's not in this amendment.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield?

SENATOR CLEARE: Yes.

ACTING PRESIDENT MAYER: Do you continue to yield? Yes, the Senator yields.

SENATOR BORRELLO: So you just said you were unsure whether or not new admissions would be allowed. Wouldn't a respite care or a rehabilitation be a new admission?

SENATOR CLEARE: So it's my understanding that new admissions would not be permitted for purposes of residency. It would be up to the facility if in fact someone needs to come there for respite.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR CLEARE: Yes.

ACTING PRESIDENT MAYER: Yes, the sponsor yields.

SENATOR BORRELLO: Well, it doesn't seem clear, according to my analysis, that that would be the case.

So are -- you're saying that it

would be the intention, your intention as the sponsor of this bill, to not prohibit respite care and rehabilitation care in that 90-day period?

SENATOR CLEARE: Through you, Madam President, this bill makes no mention of modification to that.

SENATOR BORRELLO: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: Senator Cleare, thank you very much. Appreciate it.

You know, I think we certainly have some disagreements on the interpretation of this bill at this moment. And I also realize that this was a bill that was carried and passed previously, and these are amendments. And it's my understanding that folks in the industry that you consulted with were -- you know, were helpful in -- in drafting these amendments. So I'm glad to see that and hear that.

My concern is there's still, I think, some clarity issues here. When you start talking about a facility closing, it's very

disruptive. You know, as we continue to put more and more pressure on our adult care facilities with all the bills that we passed in this chamber that have made it more and more difficult for -- in my opinion, for assisted living facilities, nursing homes to care for our elderly, we're going to see more closures, unfortunately, most likely.

And -- and therefore, we should at least give that community the opportunity to ensure that in that process it is as less -- least disruptive as possible. Certainly notice will make it less disruptive, I totally agree.

But to ensure, to ensure that they can receive respite care, that they can have rehabilitation, that in the process of that closing -- which will provide likely needed income and keep those jobs in place. Because if we -- in that period, if we say that there can be no new admissions, that will likely mean layoffs earlier, it will likely mean more stress on those patients, those residents, because there may -- there may very well be people -- less people working there.

So we should do no harm in this.

And we should certainly not -- we should certainly ensure that our rural areas, like those I represent, which lack these facilities, at least have the guarantee that this -- that this will not -- it will be as least disruptive as possible.

So because of that lack of clarity, I'll be voting no. Thank you.

ACTING PRESIDENT MAYER: Senator Cleare on the bill.

SENATOR CLEARE: Thank you, Madam President.

I'm proud to carry this chapter amendment that provides both additional time and additional rights to individuals in the unfortunate event that their present assisted living facility closes.

The bill before us requires more affirmative and substantive notice, a proposed plan for the closure which must be reviewed by the health commissioner, due process rights with respect to potential fee increases and supplemental security income, and final DOH oversight, Department of Health oversight of the target closure date.

I wish to commend the original sponsor of this legislation, former Senator Diane Savino, for her work on this issue, and I'm honored to pick up where she left off.

Thank you.

ACTING PRESIDENT MAYER: Thank you.

Are there any other Senators wishing to be heard?

Senator Rhoads.

SENATOR RHOADS: Thank you, Madam President. Will the -- will the sponsor yield? Sorry.

ACTING PRESIDENT MAYER: Senator Cleare, do you yield?

SENATOR CLEARE: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Just to -- to follow up on Senator Borrello's questioning, with respect to residency, does this bill prohibit these facilities during the closing process to accept short-term residency?

SENATOR CLEARE: Through you, Madam President, the -- this bill makes no changes, no modifications to who facilities can

accept. The current law allows -- allows for that, but this law changes nothing in that.

SENATOR RHOADS: Just on the bill, Thank you, Senator.

SENATOR CLEARE: You're welcome.

ACTING PRESIDENT MAYER: Senator Rhoads on the bill.

SENATOR RHOADS: On the bill, Madam President.

I just wanted to add my concern to those that are expressed by Senator Borrello with respect to short-term stays. I know that residencies in the underlying bill are -- are prohibited for a 90-day period. But the bottom line is that particularly in rural communities, where these long-term residencies or beds are often not available, you may have a situation where it makes sense, even with the knowledge that a facility is closing, to place a loved one there for long-term care, but just for a period of 45 or 60 days during the closing process until you can find a permanent home.

So I think we're taking away options. And I think there's a lack of clarity in this particular legislation, and I think the

underlying bill needs to be revisited as well. So I'll be voting no.

But thank you, Madam President.

ACTING PRESIDENT MAYER: Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2022.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 167, those Senators voting in the negative are Senators Borrello, Felder, Gallivan, Rhoads and Walczyk.

Ayes, 58. Nays, 5.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris, that completes the reading of the controversial calendar.

SENATOR GIANARIS: Is there any further business at the desk?

ACTING PRESIDENT MAYER: There is no further business at the desk.

SENATOR GIANARIS: Move to adjourn until tomorrow, Wednesday, February 1st, at 11:00 a.m.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Wednesday, February 1st, at 11:00 a.m.

(Whereupon, at 4:50 p.m., the Senate adjourned.)