



Motor Carrier Attachment

New York State Budget Page Four (4) and Pages 97-108 Part III

Schoharie, NY October 6, 2018

HWY19MH001

(14 pages)

resource fund (Part UU); intentionally omitted (Part VV); to amend the tax law, in relation to imposing a special tax on passenger car rentals outside of the metropolitan commuter transportation district (Part WW); to amend the tax law, in relation to imposing a tax on opioids; and to amend part NN of chapter 57 of the laws of 2018, amending the public health law and the state finance law, relating to enacting the opioid stewardship act, in relation to the applicability thereof (Part XX); to amend the tax law, in relation to the employer compensation expense tax (Part YY); to amend the racing, pari-mutuel wagering and breeding law, in relation to the New York Jockey Injury Compensation Fund, Inc. (Part ZZ); to amend the tax law, in relation to the empire state commercial production credit (Part AAA); to amend the tax law and the administrative code of the city of New York, in relation to the taxation of estates and trusts (Part BBB); to amend the tax law, in relation to exempting items of food and drink when sold from certain vending machines from the sales and compensating use tax (Part CCC); to amend the tax law, in relation to required disclosure on a bill, memorandum, receipt or other statement of price (Part DDD); to amend the tax law, in relation to the enforcement of delinquent tax liabilities by means of the suspension of licenses to operate a motor vehicle (Part EEE); to amend the tax law, in relation to exempting tangible personal property that becomes a component part of a monument (Part FFF); to amend subpart K of part II of a chapter of the laws of 2019 amending the public officers law relating to prohibiting disclosure of law enforcement booking information and photographs, as proposed in legislative bill numbers S.1505-C and A.2005-C, in relation to booking photographs; and to amend the public officers law, in relation to the arrest or booking photographs of an individual (Part GGG); to amend part TT of a chapter of the laws of 2019 relating to the closure of correctional facilities, as proposed in legislative bill numbers S.1505-C and A.2005-C, in relation to increasing the number of correctional facilities which may be closed (Part HHH); to amend the transportation law, the vehicle and traffic law and the insurance law, in relation to **limousine safety** (Part IIII); to amend the criminal procedure law, in relation to the issuance of securing orders and in relation to making conforming changes; and to repeal certain provisions of such law relating thereto (Part JJJ); to amend the criminal procedure law, in relation to time limits for a speedy trial (Part KKK); to amend the criminal procedure law and the penal law, in relation to establishing new criminal discovery rules; and to repeal article 240 of the criminal procedure law relating thereto (Part LLL); to amend the penal law, in relation to certain resentencing by operation of law; and to amend the criminal procedure law, in relation to grounds to vacate judgment (Part MMM); to amend chapter 97 of the laws of 2011, amending the general municipal law and the education law relating to establishing limits upon school district and local government tax levies, in relation to making the tax cap permanent (Part NNN); to amend the tax law, in relation to amending the real estate transfer tax (Part OOO); to amend the state finance law and the tax law, in relation to base level grants for per capita state aid for the support of local government (Part PPP); to amend part KK of a chapter of the laws of 2019 directing the department of health to conduct a study relating to staffing enhancement and patient safety, as proposed in legislative bill numbers S.1507-C and A.2007-C, in relation to making a technical amendment (Part QQQ); to amend the highway law and the transportation corporations law, in relation to



1 vii. disclosure of electronic contact information, such as an e-mail
2 address or a social network username, that has been collected from a
3 taxpayer under section one hundred four of the real property tax law; or

4 viii. disclosure of law enforcement [booking information about an
5 individual, including] arrest or booking photographs of an individual,
6 unless public release of such [information] photographs will serve a
7 specific law enforcement purpose and disclosure is not precluded by any
8 state or federal laws.

9 § 3. This act shall take effect on the same date and in the same
10 manner as subpart K of part II of a chapter of the laws of 2019 amending
11 the public officers law relating to prohibiting disclosure of law
12 enforcement booking information and photographs, as proposed in legisla-
13 tive bill numbers S.1505-C and A.2005-C, takes effect.

14

PART HHH

15 Section 1. Section 1 of part TT of a chapter of the laws of 2019
16 relating to the closure of correctional facilities, as proposed in
17 legislative bill numbers S.1505-C and A.2005-C, is amended to read as
18 follows:

19 Section 1. Notwithstanding the provisions of sections 79-a and 79-b of
20 the correction law, the governor is authorized to close [two] up to
21 three correctional facilities of the department of corrections and
22 community supervision, in state fiscal year 2019-2020, as he determines
23 to be necessary for the cost-effective and efficient operation of the
24 correctional system, provided that the governor provides at least 90
25 days notice prior to any such closures to the temporary president of the
26 senate and the speaker of the assembly.

27 § 2. This act shall take effect on the same date and in the same
28 manner as part TT of a chapter of the laws of 2019 relating to the
29 closure of correctional facilities, as proposed in legislative bill
30 numbers S.1505-C and A.2005-C, takes effect provided, however, that the
31 amendments to section 1 of part TT of such chapter made by section one
32 of this act shall not affect the repeal of such section and shall be
33 deemed repealed therewith.

34

PART III

35 Section 1. Subparagraph (iii) of paragraph c of subdivision 2 of
36 section 140 of the transportation law, as added by chapter 173 of the
37 laws of 1990, item (b) as amended by chapter 604 of the laws of 2000,
38 the second undesignated paragraph of item (b) as amended by chapter 260
39 of the laws of 2001, and such paragraph as relettered by section 6 of
40 part G of chapter 58 of the laws of 2012, is amended to read as follows:

41 (iii) (a) Except as provided in subparagraph (iv) of this paragraph,
42 any person, corporation, company, association, joint stock association,
43 partnership, person or any officer or agent thereof, found guilty of
44 violating any of the department's safety rules or regulations shall be
45 subject to a fine of not less than [one] two hundred fifty dollars nor
46 more than [five hundred] one thousand dollars for the first offense, and
47 upon being found guilty of a second or subsequent offense committed
48 within eighteen months by a fine of not less than [five hundred] one
49 thousand dollars nor more than one thousand five hundred dollars, or by
50 imprisonment for not more than thirty days or by both such fine and
51 imprisonment.



1 (b) Any person, corporation, company, association, joint stock associ-
2 ation, partnership, person or any officer or agent thereof, found guilty
3 of violating any of the department's safety rules or regulations involv-
4 ing an out-of-service defect relating to brake systems, steering compo-
5 nents and/or coupling devices shall be subject to a fine of not less
6 than [three hundred fifty] five hundred dollars nor more than one thou-
7 sand two hundred fifty dollars for the first offense, and upon being
8 found guilty of a second or subsequent offense committed within eighteen
9 months by a fine of not less than one thousand two hundred fifty dollars
10 nor more than [two] three thousand [five hundred] dollars, or by impris-
11 sonment for not more than sixty days or by both such fine and imprison-
12 ment; provided, however, that if any such person, corporation, company,
13 association, joint stock association, partnership, person or any officer
14 or agent thereof is operating a farm vehicle registered pursuant to
15 subdivision thirteen of section four hundred one of the vehicle and
16 traffic law in conformance with the terms of such registration, and if
17 the violation as set forth in the summons is corrected not later than
18 one-half hour after sunset on the third full business day after the
19 issuance of the summons and proof of such correction as set forth in
20 item (b) of subparagraph (iv) of this paragraph is submitted to the
21 court, the penalty for a first violation involving brake systems shall
22 be a fine of [one] two hundred fifty dollars, the penalty for a first
23 violation involving steering components and/or coupling devices shall be
24 a fine of [one] two hundred dollars and the penalty for a first
25 violation involving any other out-of-service defect shall be a fine of
26 one hundred fifty dollars. A motor vehicle shall be deemed to be out-of-
27 service only until such time as the applicable out-of-service defect is
28 repaired or adjusted.

29 Any person, corporation, company, association, joint stock associ-
30 ation, partnership, person or any officer or agent thereof, found guilty
31 of violating any of the department's safety rules or regulations involv-
32 ing an out-of-service defect relating to load securement, shall be
33 subject to a fine of not less than [five hundred] one thousand dollars
34 nor more than one thousand [two] five hundred dollars for the first
35 offense, and upon being found guilty of a second or subsequent offense
36 committed within eighteen months by a fine of not less than one thousand
37 five hundred dollars nor more than [two] three thousand [five hundred]
38 dollars, or by imprisonment for not more than sixty days or by both such
39 fine and imprisonment; provided, however, that if any such person,
40 corporation, company, association, joint stock association, partnership,
41 person or any officer or agent thereof is operating a farm vehicle
42 registered pursuant to subdivision thirteen of section four hundred one
43 of the vehicle and traffic law in conformance with the terms of such
44 registration, the penalty for such violation shall be a fine of [two]
45 five hundred [fifty] dollars. A motor vehicle shall be deemed to be
46 out-of-service only until such time as the applicable out-of-service
47 defect is repaired or adjusted.

48 § 2. Subparagraphs (v) and (vii) of paragraph c of subdivision 2 of
49 section 140 of the transportation law, subparagraph (v) as amended by
50 section 10 of part K of chapter 59 of the laws of 2009 and such para-
51 graph as relettered by section 6 of part G of chapter 58 of the laws of
52 2012, subparagraph (vii) as added by section 10 of part I of chapter 58
53 of the laws of 2015, are amended to read as follows:

54 (v) (a) A driver who is convicted of violating an out-of-service order
55 as provided for in the department's safety rules and regulations shall
56 be guilty of a traffic infraction which shall be punishable by a fine of

1 not less than [two] three thousand [five hundred] dollars nor more than
2 [four] five thousand dollars upon the first offense, and upon being
3 found guilty of a second or subsequent offense within eighteen months by
4 a fine of not less than [five] six thousand dollars nor more than [six]
5 seven thousand dollars.

6 (b) No person, corporation, limited liability company or business
7 entity, joint stock association, partnership, or any officer or agent
8 thereof, shall knowingly allow, require, permit or authorize any person
9 to operate a commercial motor vehicle as defined by section five hundred
10 one-a of the vehicle and traffic law during any period in which such
11 person, such commercial motor vehicle, or such motor carrier operation
12 has been placed out of service as provided for in the department's safe-
13 ty rules and regulations and shall be subject to a fine of not less than
14 [two] three thousand seven hundred fifty dollars and not more than
15 [twenty-five] thirty thousand dollars for any violation thereof.

16 (c) No person, corporation, limited liability company or business
17 entity, joint stock association, partnership, or any officer or agent
18 thereof, shall knowingly allow, require, permit or authorize any person
19 to operate a commercial motor vehicle as defined in section five hundred
20 one-a of the vehicle and traffic law in violation of section eleven
21 hundred seventy-one or eleven hundred seventy-six of the vehicle and
22 traffic law and, upon conviction thereof, shall be subject to a fine of
23 not more than [ten] twelve thousand dollars for any violation thereof.

24 (vii) No person, corporation, limited liability company or business
25 entity, joint stock association, partnership, or any officer or agent
26 thereof, shall knowingly allow, require, permit or authorize any person
27 to operate a commercial motor vehicle, as defined in section five
28 hundred one-a of the vehicle and traffic law, during any period in which
29 the operator:

30 (a) does not have a valid commercial learner's permit or commercial
31 driver's license; or

32 (b) does not have a commercial learner's permit or commercial driver's
33 license with the proper class or endorsements; or

34 (c) violates any restriction on such operator's commercial learner's
35 permit or commercial driver's license; or

36 (d) has a commercial learner's permit or commercial driver's license
37 that is suspended, revoked or cancelled, or such operator has been
38 otherwise disqualified by the commissioner of motor vehicles; or

39 (e) has more than one commercial learner's permit or commercial driv-
40 er's license.

41 A violation of this subparagraph shall be punishable by a fine of not
42 less than two hundred fifty dollars nor more than one thousand two
43 hundred fifty dollars.

44 § 3. Subdivision 9 of section 140 of the transportation law, as
45 amended by chapter 349 of the laws of 1993, is amended to read as
46 follows:

47 9. a. If, after notice and opportunity to be heard, the commissioner
48 shall find that any person is operating in violation of the provisions
49 of this section, the commissioner may penalize such person pursuant to
50 subdivision three of section one hundred forty-five of this article. The
51 commissioner may also notify the commissioner of motor vehicles that
52 such person is operating in violation of this section and the commis-
53 sioner of motor vehicles shall thereupon suspend the registration of all
54 motor vehicles owned or operated by such person, with the exception of
55 private passenger automobiles, until such time as the commissioner may
56 give notice that the violation has been satisfactorily adjusted, and the

1 commissioner of motor vehicles may direct any police officer to secure
2 possession of the number plates of such motor vehicles and to return the
3 same to the commissioner of motor vehicles. Failure of the holder or of
4 any person possessing such number plates to deliver such number plates
5 to any police officer who requests the same pursuant to this subdivision
6 shall constitute a misdemeanor. The commissioner of motor vehicles shall
7 have the authority to deny a registration or renewal application to any
8 other person for the same vehicle and may deny a registration or renewal
9 application for any other motor vehicle registered in the name of the
10 applicant where it has been determined that such registrant's intent has
11 been to evade the purposes of this subdivision and where the commission-
12 er of motor vehicles has reasonable grounds to believe that such regis-
13 tration or renewal will have the effect of defeating the purposes of
14 this subdivision. The procedure on any such suspension shall be the same
15 as in the case of a suspension under the vehicle and traffic law. Opera-
16 tion of any motor vehicle while under suspension as herein provided
17 shall constitute a class A misdemeanor. A person who operates a motor
18 vehicle while such vehicle is under suspension as provided in this
19 subdivision in a manner that causes the death of another person, knowing
20 that the operation of such vehicle is in violation of this subdivision,
21 shall be guilty of a class E felony.

22 b. Whenever an altered motor vehicle commonly referred to as a
23 "stretch limousine" has failed an inspection and been placed out-of-ser-
24 vice, the commissioner may direct a police officer or his or her agent
25 to immediately secure possession of the number plates of such vehicle
26 and return the same to the commissioner of motor vehicles. The commis-
27 sioner shall notify the commissioner of motor vehicles to that effect,
28 and the commissioner of motor vehicles shall thereupon suspend the
29 registration of such vehicle until such time as the commissioner gives
30 notice that the out-of-service defect has been satisfactorily adjusted.
31 Provided, however, that the commissioner shall give notice and an oppor-
32 tunity to be heard within not more than thirty days of the suspension.
33 Failure of the holder or of any person possessing such plates to deliver
34 to the commissioner or his or her agent who requests the same pursuant
35 to this paragraph shall be a misdemeanor. The commissioner of motor
36 vehicles shall have the authority to deny a registration or renewal
37 application to any other person for the same vehicle where it has been
38 determined that such registrant's intent has been to evade the purposes
39 of this paragraph and where the commissioner of motor vehicles has
40 reasonable grounds to believe that such registration or renewal will
41 have the effect of defeating the purposes of this paragraph. The proce-
42 cedure on any such suspension shall be the same as in the case of a
43 suspension under the vehicle and traffic law. Operation of such motor
44 vehicle while under suspension as provided in this subdivision shall
45 constitute a class A misdemeanor.

46 § 4. Subdivision 3 of section 145 of the transportation law, as added
47 by chapter 635 of the laws of 1983, is amended to read as follows:

48 3. In addition to, or in lieu of, any sanctions set forth in this
49 section, the commissioner may, after a hearing, impose a penalty not to
50 exceed a maximum of [five] ~~ten~~ thousand dollars in any one proceeding
51 upon any person if the commissioner finds that such person or officer,
52 agent or employee thereof has failed to comply with the requirements of
53 this chapter or any rule, regulation or order of the commissioner
54 promulgated thereunder. If such penalty is not paid within four months,
55 the amount thereof may be entered as a judgment in the office of the
56 clerk of the county of Albany and in any other county in which the

1 person resides, has a place of business or through which it operates.
2 Thereafter, if said judgment has not been satisfied within ninety days,
3 any certificate or permit held by any such person may be revoked upon
4 notice but without a further hearing. Provided, however, that if a
5 person shall apply for a rehearing of the determination of the penalty
6 pursuant to the provisions of section eighty-nine of this chapter, judg-
7 ment shall not be entered until a determination has been made on the
8 application for a rehearing. Further provided however, that if after a
9 rehearing a penalty is imposed and such penalty is not paid within four
10 months of the date of service of the rehearing decision, the amount of
11 such penalty may be entered as a judgment in the office of the clerk of
12 the county of Albany and in any other county in which the person
13 resides, has a place of business or through which it operates. Thereaft-
14 er, if said judgment has not been satisfied within ninety days, any
15 certificate or permit held by any such person may be revoked upon notice
16 but without a further hearing.

17 § 5. Subdivision 4 of section 145 of the transportation law, as
18 amended by chapter 349 of the laws of 1993, is amended to read as
19 follows:

20 4. If after notice and opportunity to be heard, the commissioner shall
21 find that any person or persons is or are providing transportation
22 subject to regulation under this chapter without having any certificate
23 or permit, or is or are holding themselves out to the public by adver-
24 tising or any other means to provide such transportation without having
25 any certificate or permit or approval from a city having jurisdiction
26 pursuant to section eighty of this chapter, the commissioner may notify
27 the commissioner of motor vehicles to that effect and the commissioner
28 of motor vehicles shall thereupon suspend the registration or registra-
29 tions of all motor vehicles owned or operated by such person or persons
30 except private passenger automobiles until such time as the commissioner
31 of transportation may give notice that the violation has been satisfac-
32 torily adjusted, and the commissioner of motor vehicles may direct any
33 police officer to secure possession of the number plates of such motor
34 vehicles and to return the same to the commissioner of motor vehicles.
35 Failure of the holder or of any person possessing such number plates to
36 deliver such number plates to any police officer who requests the same
37 pursuant to this subdivision shall constitute a misdemeanor. The commis-
38 sioner of motor vehicles shall have the authority to deny a registration
39 or renewal application to any other person for the same vehicle and may
40 deny a registration or renewal application for any other motor vehicle
41 registered in the name of the applicant where it has been determined
42 that such registrant's intent has been to evade the purposes of this
43 subdivision and where the commissioner of motor vehicles has reasonable
44 grounds to believe that such registration or renewal will have the
45 effect of defeating the purposes of this subdivision. The procedure on
46 any such suspension shall be the same as in the case of a suspension
47 under the vehicle and traffic law. Operation of any motor vehicle while
48 under suspension as herein provided shall constitute a class A misdemea-
49 nor. A person who operates a motor vehicle while such vehicle is under
50 suspension as provided in this subdivision in a manner that causes the
51 death of another person, knowing that the operation of such vehicle is
52 in violation of this subdivision, shall be guilty of a class E felony.

53 § 6. Subdivision 5 of section 145 of the transportation law, as added
54 by chapter 635 of the laws of 1983, is amended to read as follows:

55 5. Any person, whether carrier, passenger, shipper, consignee, or
56 broker, or any officer, employee, agent or representative thereof, who

1 shall knowingly offer, grant or give or solicit, accept, or receive any
2 rebate, concession or discrimination in violation of this chapter, or
3 who by means of any false statement or representation, or by the use of
4 any false or fictitious bill, bill of lading, receipt, voucher, roll,
5 account, claim, certificate, affidavit, deposition, lease or bill of
6 sale, or by any other means or device, shall knowingly and willfully
7 assist, suffer or permit any person or persons to obtain transportation
8 of property or passengers subject to this chapter for less than the
9 applicable rate, toll or charge, or who, with respect to the transporta-
10 tion of household goods, shall knowingly or willfully misrepresent the
11 applicable rate for transportation or the weight of a shipment or the
12 cost of transportation to the shipper, or who shall knowingly and will-
13 fully by any such means or otherwise fraudulently seek to evade or
14 defeat regulation as provided for in this chapter, shall be guilty of a
15 misdemeanor and upon conviction thereof be fined not more than [five
16 hundred] one thousand dollars for the first offense and not more than
17 two thousand five hundred dollars for any subsequent offense.

18 § 7. Subdivision 6 of section 145 of the transportation law, as
19 amended by chapter 444 of the laws of 1992, is amended to read as
20 follows:

21 6. Any person who shall provide transportation for compensation within
22 the state, or hold himself or herself out to the public by advertising
23 or any other means to provide such transportation, when such transporta-
24 tion requires either the permission or approval of the commissioner, or
25 the permission, approval or franchise of any city having regulatory
26 jurisdiction over such transportation and who does not possess a valid
27 permit, certificate or approval for such transportation, from the
28 commissioner or from such city, shall be guilty of a traffic infraction
29 punishable by a fine of not less than [five hundred] one thousand
30 dollars and not more than one thousand five hundred dollars for the
31 first offense. A violation of this subdivision by a person who has
32 previously been convicted of such offense within five years of the
33 violation shall be a misdemeanor and shall be punishable by a fine of
34 not less than [one] two thousand dollars and not more than [twenty-five
35 hundred] five thousand dollars, or by imprisonment for not more than
36 sixty days, or by both such fine and imprisonment. Upon conviction as a
37 second or subsequent offender as described herein the court may order
38 forfeiture of any right, title or interest held by the defendant in any
39 motor vehicle used in the commission of such offense pursuant to the
40 provisions of subdivision seven of this section. In addition to, or in
41 lieu of, any sanction set forth in this subdivision, the commissioner
42 may, after a hearing, impose a penalty equal to the gain or profit
43 derived from transportation services conducted in violation of this
44 subdivision. Any person holding regulatory authority or a franchise from
45 either the commissioner or any city having regulatory jurisdiction over
46 such transportation, or any public transportation authority created
47 pursuant to title nine, eleven, eleven-A, eleven-B, eleven-C or eleven-D
48 of article five of the public authorities law, who is being adversely
49 affected by a person providing transportation without having the neces-
50 sary regulatory authority or franchise from the commissioner or any such
51 city, may bring suit in his, her or its own behalf to restrain such
52 person and recover damages resulting from the actions of such person.

53 § 8. Section 375 of the vehicle and traffic law is amended by adding a
54 new subdivision 53 to read as follows:

55 53. Federal motor vehicle safety standard certification label. No
56 person shall, with intent to defraud, knowingly remove, deface, destroy,

1 cover, alter, or otherwise change the form or appearance of a federal
2 motor vehicle safety standard certification label, issued in accordance
3 with section 30115 of title 49 of the United States Code and part 567 of
4 title 49 of the code of federal regulations, on an altered motor vehi-
5 cle. No person shall, with intent to defraud, affix to an altered motor
6 vehicle a federal motor vehicle safety standard certification label
7 except in accordance with section 30115 of title 49 of the United States
8 Code and part 567 of title 49 of the code of federal regulations. A
9 violation of this subdivision shall be punishable as a misdemeanor.

10 § 9. Section 401 of the vehicle and traffic law is amended by adding
11 two new subdivisions 22 and 23 to read as follows:

12 22. The commissioner shall not register any altered motor vehicle that
13 fails to comply, as demonstrated to the satisfaction of the commission-
14 er, with the certification requirements established by Part 567 of title
15 49 of the code of federal regulations for altered vehicles.

16 23. The commissioner shall revoke the registration of any altered
17 motor vehicle which fails to comply with the certification requirements
18 of Part 567 of title 49 of the code of federal regulations, as deter-
19 mined by the commissioner, and refund to or credit the account of any
20 person who paid a registration fee for an altered motor vehicle, the pro
21 rata unused portion of such registration fee.

22 § 10. Subdivision (e) of section 303 of the vehicle and traffic law,
23 as amended by chapter 605 of the laws of 1989, the opening paragraph as
24 amended by chapter 608 of the laws of 1993, is amended to read as
25 follows:

26 (e) 1. A license to operate an official inspection station or a
27 certificate to inspect vehicles may be suspended or revoked or renewal
28 thereof may be refused by the commissioner or any person duly deputized
29 for one or more of the following causes:

30 [1.] (i) Failure to conduct inspections in conformance with the
31 provisions of this article and the rules and regulations promulgated
32 thereunder or improper issuance of certificates of inspections.

33 [2.] (ii) Conviction of a crime involving fraud, theft, perjury or
34 bribery or other cause which would permit disqualification from receiv-
35 ing a license or a certificate to inspect vehicles upon the original
36 application.

37 [3.] (iii) Fraud, deceit or misrepresentation in securing the license
38 or a certificate to inspect vehicles or in the conduct of licensed or
39 certified activity.

40 [4.] (iv) Excessive charges for conducting inspections and for making
41 adjustments, corrections or repairs required by such inspections.

42 [5.] (v) Violation of any provision of this article or any rule or
43 regulation promulgated thereunder.

44 2. Provided, however a license to operate an official inspection
45 station or a certificate to inspect vehicles shall be suspended or
46 revoked or renewal thereof shall be refused by the commissioner or any
47 person duly deputized, upon a third or subsequent violation committed
48 within a period of eighteen months of any rule or regulation of the
49 commissioner requiring an inspection station to refuse to perform an
50 inspection as set forth in paragraph two of subdivision (f) of section
51 79.20 of title fifteen of the codes, rules and regulations of the state
52 of New York. If the commissioner or any person duly deputized orders
53 penalties to be paid pursuant to subdivision (h) of this section, such
54 penalties shall be in addition to, but not in lieu of, a suspension,
55 revocation, or renewal thereof imposed pursuant to this paragraph.

1 § 11. Subdivision (h) of section 303 of the vehicle and traffic law,
2 as amended by section 1 of part 00 of chapter 59 of the laws of 2009, is
3 amended to read as follows:

4 (h) The commissioner, or any person duly deputized, in addition to or
5 in lieu of revoking or suspending a license to operate an official
6 inspection station or a certificate to inspect vehicles, may by order
7 require the licensee or certified inspector to pay to the people of this
8 state a penalty for a first violation a sum not exceeding [seven hundred
9 and fifty] one thousand dollars for each violation found to have been
10 committed; and for a second or subsequent violation not arising out of
11 the same incident both of which were committed within a period of thirty
12 months, a sum of not more than one thousand five hundred dollars for
13 each violation found to have been committed; provided, however, the
14 penalty for each and any violation of subparagraph (ii) of paragraph
15 [three] one of subdivision (e) of this section found to have been
16 committed shall be no less than [three hundred and fifty] five hundred
17 dollars and no more than one thousand five hundred dollars, and provided
18 further, however, the penalty for a violation found to have been commit-
19 ted of any rule or regulation of the commissioner requiring an
20 inspection station to refuse to perform an inspection as set forth in
21 paragraph two of subdivision (f) of section 79.20 of title fifteen of
22 the codes, rules and regulations of the state of New York shall be a
23 fine of not less than two hundred fifty dollars nor more than one thou-
24 sand dollars for a first violation, and a fine of not less than five
25 hundred dollars nor more than one thousand five hundred dollars for a
26 second or subsequent such violation not arising out of the same incident
27 both of which were committed within a period of eighteen months, and
28 upon the failure of such licensee to pay such penalty within twenty days
29 after the mailing of such order, postage prepaid, registered or certi-
30 fied, and addressed to the last known place of business of such licensee
31 or certified inspector, unless such order is stayed by a court of compe-
32 tent jurisdiction or in accordance with the provisions of [Article]
33 article three-A of this chapter, the commissioner may revoke the license
34 of such licensee or the certificate of such certified inspector or may
35 suspend the same for such period as may be determined. Civil penalties
36 assessed under this subdivision shall be paid to the commissioner for
37 deposit into the state treasury, and unpaid civil penalties may be
38 recovered by the commissioner in a civil action in the name of the
39 commissioner. In addition, as an alternative to such civil action and
40 provided that no proceeding for judicial review shall then be pending
41 and the time for initiation of such proceeding shall have expired, the
42 commissioner may file with the county clerk of the county in which the
43 registrant is located or the certified inspector resides a final order
44 of the commissioner containing the amount of the penalty assessed. The
45 filing of such final order shall have the full force and effect of a
46 judgment duly docketed in the office of such clerk and may be enforced
47 in the same manner and with the same effect as that provided by law in
48 respect to executions issued against property upon judgments of a court
49 of record.

50 § 12. The vehicle and traffic law is amended by adding a new section
51 308-a to read as follows:

52 § 308-a. Mandatory reporting. If any motor vehicle is presented for
53 inspection at a licensed official inspection station, and such vehicle
54 has been altered, a vehicle commonly referred to as a "stretch limou-
55 sine", so as to add seating capacity beyond that provided by the
56 original manufacturer by way of an extended chassis, lengthened wheel

1 base, or an elongated seating area, and in the case of a truck, has been
2 modified to transport passengers, such licensed official inspection
3 station shall refuse inspection for such vehicle and promptly report
4 such vehicle to the commissioner in a form and manner prescribed by such
5 commissioner. Provided, however, that the provisions of this section
6 shall not apply to any altered motor vehicle for which the department of
7 transportation has issued an exemption letter pursuant to paragraph
8 three of subdivision (f) of part 79.20 of title fifteen of the codes,
9 rules, and regulations of the state of New York and that is in compli-
10 ance with part 567 of title forty-nine of the code of federal regu-
11 lations.

12 § 13. Paragraph (a) of subdivision 1 of section 370 of the vehicle and
13 traffic law, as amended by chapter 305 of the laws of 1995, is amended
14 to read as follows:

15 (a) For damages for and incident to death or injuries to persons: For
16 each motorcycle and for each motor vehicle engaged in the business of
17 carrying or transporting passengers for hire, having a seating capacity
18 of not more than seven passengers, a bond or insurance policy with a
19 minimum liability of twenty-five thousand dollars and a maximum liabil-
20 ity of fifty thousand dollars for bodily injury, and a minimum liability
21 of fifty thousand dollars and a maximum liability of one hundred thou-
22 sand dollars for death; for each motor vehicle engaged in the business
23 of carrying or transporting passengers for hire, having a seating capac-
24 ity of not less than eight [nor more than twelve] passengers, a bond or
25 insurance policy with a [minimum liability of twenty-five thousand
26 dollars and a maximum liability of eighty thousand dollars] combined
27 single limit of at least one million five hundred thousand dollars for
28 bodily injury[,] and [a minimum liability of fifty thousand dollars and
29 a maximum liability of one hundred fifty thousand dollars for] death[;
30 for each motor vehicle having a seating capacity of not less than thir-
31 teen nor more than twenty passengers, a bond or insurance policy with a
32 minimum liability of twenty-five thousand dollars and a maximum liabil-
33 ity of one hundred twenty thousand dollars for bodily injury and a mini-
34 imum liability of fifty thousand dollars and a maximum liability of one
35 hundred fifty thousand dollars for death; for each motor vehicle having
36 a seating capacity of not less than twenty-one nor more than thirty
37 passengers, a bond or insurance policy with a minimum liability of twen-
38 ty-five thousand dollars and a maximum liability of one hundred sixty
39 thousand dollars for bodily injury and a minimum liability of fifty
40 thousand dollars and a maximum liability of two hundred thousand dollars
41 for death; for each motor vehicle having a seating capacity of more than
42 thirty passengers, a bond or insurance policy with a minimum liability
43 of twenty-five thousand dollars and a maximum liability of two hundred
44 thousand dollars for bodily injury and a minimum liability of fifty
45 thousand dollars and a maximum liability of two hundred fifty thousand
46 dollars for death];

47 § 14. Section 1161 of the vehicle and traffic law is amended by adding
48 a new subdivision c to read as follows:

49 c. No altered motor vehicle commonly referred to as a "stretch limou-
50 sine" having a seating capacity of ten or more passengers including the
51 driver shall make a U-turn upon any public highway or private road open
52 to public motor vehicle traffic.

53 § 15. The vehicle and traffic law is amended by adding a new section
54 509-z to read as follows:

55 § 509-z. Motor carrier information. The commissioner of transporta-
56 tion, in consultation with the commissioner, shall establish require-

1 ments for any person or entity that owns and operates one or more
2 altered motor vehicles, commonly referred to as "stretch limousines",
3 for purposes of establishing conspicuous display of valid operating
4 authority, inspection information, and driver qualifications at
5 locations where such persons or entities perform contract or common
6 carrier services with altered motor vehicles and within any altered
7 motor vehicle used to provide such services.

8 § 16. Section 138 of the transportation law is amended by adding a new
9 subdivision 9 to read as follows:

10 9. To maintain and update its website to provide information with
11 regard to each bus operator under subparagraphs (i) and (vi) of para-
12 graph a of subdivision two of section one hundred forty of this chapter
13 requiring department operating authority that includes the bus opera-
14 tor's name, number of inspections, number of out of service orders,
15 operator identification number, location and region of operation includ-
16 ing place of address, percentile to which a motor carrier falls with
17 respect to out of service defects, and the number of serious physical
18 injury or fatal crashes involving a for-hire vehicle requiring operating
19 authority pursuant to this article.

20 § 17. (1) The department of transportation, in consultation with the
21 department of motor vehicles, the governor's traffic safety committee,
22 the division of state police and any other state agency, authority or
23 political subdivision thereof deemed necessary by the commissioner of
24 transportation, shall conduct a study to assess the current design of
25 entrance and exit ramps and the appropriateness of existing signage on
26 state parkways to mitigate U-turns and wrong-way entry by commercial
27 vehicles and make recommendations to mitigate. (2) The department of
28 motor vehicles, in consultation with the department of transportation,
29 the governor's traffic safety committee and the division of state police
30 and any other state agency, authority or political subdivision thereof
31 deemed necessary by the commissioner of transportation, shall conduct a
32 study and provide recommendations to improve crash reporting and data
33 collection pertaining to commercial vehicles. (3) Such commissioners
34 shall submit each study with recommendations and findings to the gover-
35 nor, the temporary president of the senate and the speaker of the assem-
36 bly within two years of the effective date of this act.

37 § 18. The transportation law is amended by adding a new section 144 to
38 read as follows:

39 § 144. Fees and charges. The commissioner or authorized officer or
40 employee of the department shall charge and collect eighty-five dollars
41 for the inspection or reinspection of all motor vehicles transporting
42 passengers subject to the department's inspection requirements pursuant
43 to section one hundred forty of this article, except such: (a) motor
44 vehicles operated under contract with a municipality to provide state-
45 wide mass transportation operating assistance eligible service; (b)
46 motor vehicles operated under contract with a municipality or school
47 district to provide school-related transportation services; (c) motor
48 vehicles authorized by the commissioner of health to provide non-emer-
49 gency medical transportation services; and (d) motor vehicles used
50 primarily to transport passengers pursuant to subparagraphs (i), (iii),
51 (iv), and (v) of paragraph a of subdivision two of section one hundred
52 forty of this article. The department may deny inspection of any motor
53 vehicle transporting passengers subject to the department's inspection
54 requirements if such fee is not paid within ninety days of the date
55 noted on the department invoice.

1 § 19. Paragraph 1 and subparagraph (A) of paragraph 2 of subsection
2 (f) of section 3420 of the insurance law, paragraph 1 as amended by
3 chapter 305 of the laws of 1995 and subparagraph (A) of paragraph 2 as
4 separately amended by chapters 547 and 568 of the laws of 1997, are
5 amended to read as follows:

6 (1) No policy insuring against loss resulting from liability imposed
7 by law for bodily injury or death suffered by any natural person arising
8 out of the ownership, maintenance and use of a motor vehicle or an
9 altered motor vehicle commonly referred to as a "stretch limousine"
10 having a seating capacity of eight or more passengers used in the busi-
11 ness of carrying or transporting passengers for hire, by the insured
12 shall be issued or delivered by any authorized insurer upon any motor
13 vehicle or an altered motor vehicle commonly referred to as a "stretch
14 limousine" having a seating capacity of eight or more passengers used in
15 the business of carrying or transporting passengers for hire, then prin-
16 cipally garaged or principally used in this state unless it contains a
17 provision whereby the insurer agrees that it will pay to the insured, as
18 defined in such provision, subject to the terms and conditions set forth
19 therein to be prescribed by the board of directors of the Motor Vehicle
20 Accident Indemnification Corporation and approved by the superintendent,
21 all sums, not exceeding a maximum amount or limit of twenty-five thou-
22 sand dollars exclusive of interest and costs, on account of injury to
23 and all sums, not exceeding a maximum amount or limit of fifty thousand
24 dollars exclusive of interest and costs, on account of death of one
25 person, in any one accident, and the maximum amount or limit, subject to
26 such limit for any one person so injured of fifty thousand dollars or so
27 killed of one hundred thousand dollars, exclusive of interest and costs,
28 on account of injury to, or death of, more than one person in any one
29 accident, which the insured or his legal representative shall be enti-
30 tled to recover as damages from an owner or operator of an uninsured
31 motor vehicle, unidentified motor vehicle which leaves the scene of an
32 accident, a motor vehicle registered in this state as to which at the
33 time of the accident there was not in effect a policy of liability
34 insurance, a stolen vehicle, a motor vehicle operated without permission
35 of the owner, an insured motor vehicle where the insurer disclaims
36 liability or denies coverage or an unregistered vehicle because of bodi-
37 ly injury, sickness or disease, including death resulting therefrom,
38 sustained by the insured, caused by accident occurring in this state and
39 arising out of the ownership, maintenance or use of such motor vehicle.
40 No payment for non-economic loss shall be made under such policy
41 provision to a covered person unless such person has incurred a serious
42 injury, as such terms are defined in section five thousand one hundred
43 two of this chapter. Such policy shall not duplicate any element of
44 basic economic loss provided for under article fifty-one of this chap-
45 ter. No payments of first party benefits for basic economic loss made
46 pursuant to such article shall diminish the obligations of the insurer
47 under this policy provision for the payment of non-economic loss and
48 economic loss in excess of basic economic loss. Notwithstanding any
49 inconsistent provisions of section three thousand four hundred twenty-
50 five of this article, any such policy which does not contain the afore-
51 said provisions shall be construed as if such provisions were embodied
52 therein.

53 (A) Any such policy shall, at the option of the insured, also provide
54 supplementary uninsured/underinsured motorists insurance for bodily
55 injury, in an amount up to the bodily injury liability insurance limits
56 of coverage provided under such policy, subject to a maximum of two

1 hundred fifty thousand dollars because of bodily injury to or death of
2 one person in any one accident and, subject to such limit for one
3 person, up to five hundred thousand dollars because of bodily injury to
4 or death of two or more persons in any one accident, or a combined
5 single limit policy of five hundred thousand dollars because of bodily
6 injury to or death of one or more persons in any one accident; and any
7 such policy insuring against loss resulting from liability imposed by
8 law for bodily injury or death suffered by any natural person arising
9 out of the ownership, maintenance, and use of an altered motor vehicle
10 commonly referred to as a "stretch limousine" having a seating capacity
11 of eight or more passengers used in the business of carrying or trans-
12 porting passengers for hire, shall provide supplementary
13 uninsured/underinsured motorists insurance for bodily injury, in an
14 amount of a combined single limit of one million five hundred thousand
15 dollars because of bodily injury or death of one or more persons in any
16 one accident. Provided however, an insurer issuing any such policy,
17 except a policy insuring against loss resulting from liability imposed
18 by law for bodily injury or death suffered by any natural person arising
19 out of the ownership, maintenance, and use of an altered motor vehicle
20 commonly referred to as a "stretch limousine" having a seating capacity
21 of eight or more passengers used in the business of carrying or trans-
22 porting passengers for hire, in lieu of offering to the insured the
23 coverages stated above, may provide supplementary uninsured/underinsured
24 motorists insurance for bodily injury, in an amount up to the bodily
25 injury liability insurance limits of coverage provided under such poli-
26 cy, subject to a maximum of one hundred thousand dollars because of
27 bodily injury to or death of one person in any one accident and, subject
28 to such limit for one person, up to three hundred thousand dollars
29 because of bodily injury to or death of two or more persons in any one
30 accident, or a combined single limit policy of three hundred thousand
31 dollars because of bodily injury to or death of one or more persons in
32 any one accident, if such insurer also makes available a personal
33 umbrella policy with liability coverage limits up to at least five
34 hundred thousand dollars which also provides coverage for supplementary
35 uninsured/underinsured motorists claims. Supplementary
36 uninsured/underinsured motorists insurance shall provide coverage, in
37 any state or Canadian province, if the limits of liability under all
38 bodily injury liability bonds and insurance policies of another motor
39 vehicle liable for damages are in a lesser amount than the bodily injury
40 liability insurance limits of coverage provided by such policy. Upon
41 written request by any insured covered by supplemental
42 uninsured/underinsured motorists insurance or his duly authorized repre-
43 sentative and upon disclosure by the insured of the insured's bodily
44 injury and supplemental uninsured/underinsured motorists insurance
45 coverage limits, the insurer of any other owner or operator of another
46 motor vehicle against which a claim has been made for damages to the
47 insured shall disclose, within forty-five days of the request, the bodi-
48 ly injury liability insurance limits of its coverage provided under the
49 policy or all bodily injury liability bonds. The time of the insured to
50 make any supplementary uninsured/underinsured motorist claim, shall be
51 tolled during the period the insurer of any other owner or operator of
52 another motor vehicle that may be liable for damages to the insured,
53 fails to so disclose its coverage. As a condition precedent to the obli-
54 gation of the insurer to pay under the supplementary
55 uninsured/underinsured motorists insurance coverage, the limits of
56 liability of all bodily injury liability bonds or insurance policies