

Legislative Bill Drafting Commission
12022-01-3

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

TRANLA
(Relates to enacting the stretch
limousine passenger safety act)

Tran. stretch limousine safety

AN ACT

to amend the transportation law and
the vehicle and traffic law, in
relation to enacting the stretch
limousine passenger safety act; and
providing for the repeal of certain
provisions upon expiration thereof

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s34 Fernandez	s28 Krueger	s01 Palumbo	s42 Skoufis
s43 Ashby	s60 Gallivan	s24 Lanza	s21 Parker	s11 Stavisky
s36 Bailey	s12 Gianaris	s16 Liu	s19 Persaud	s45 Stec
s57 Borrello	s59 Gonzalez	s50 Mannion	s13 Ramos	s35 Stewart-
s46 Breslin	s26 Gounardes	s04 Martinez	s05 Rhoads	Cousins
s25 Brisport	s53 Griffo	s07 Martins	s33 Rivera	s44 Tedisco
s55 Brouk	s40 Harckham	s02 Mattered	s39 Rolison	s06 Thomas
s09 Canzoneri-	s54 Helming	s48 May	s61 Ryan	s49 Walczyk
Fitzpatrick	s41 Hinchey	s37 Mayer	s18 Salazar	s52 Webb
s17 Chu	s47 Hoylman-	s03 Murray	s10 Sanders	s38 Weber
s30 Cleare	Sigal	s20 Myrie	s23 Scarcella-	s08 Weik
s14 Comrie	s31 Jackson	s51 Oberacker	Spanton	
s56 Cooney	s27 Kavanagh	s58 O'Mara	s32 Sepulveda	
s22 Felder	s63 Kennedy	s62 Ortt	s29 Serrano	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a078 Alvarez	a047 Colton	a034 Gonzalez-	a146 McMahon	a103 Shrestha
a031 Anderson	a140 Conrad	Rojas	a137 Meeks	a016 Sillitti
a121 Angelino	a032 Cook	a150 Goodell	a017 Mikulin	a052 Simon
a037 Ardila	a039 Cruz	a116 Gray	a122 Miller	a075 Simone
a035 Aubry	a043 Cunningham	a100 Gunther	a051 Mitaynes	a114 Simpson
a120 Barclay	a021 Curran	a139 Hawley	a145 Morinello	a094 Slater
a106 Barrett	a018 Darling	a083 Heastie	a144 Norris	a005 Smith
a105 Beephan	a053 Davila	a028 Hevesi	a045 Novakhov	a118 Smullen
a107 Bendett	a072 De Los Santos	a128 Hunter	a069 O'Donnell	a022 Solages
a082 Benedetto	a003 DeStefano	a029 Hyndman	a091 Otis	a110 Steck
a027 Berger	a070 Dickens	a079 Jackson	a132 Palmesano	a010 Stern
a042 Bichotte	a054 Dilan	a104 Jacobson	a088 Paulin	a127 Stirpe
Hermelyn	a081 Dinowitz	a011 Jean-Pierre	a141 Peoples-	a102 Tague
a117 Blankenbush	a147 DiPietro	a134 Jensen	Stokes	a064 Tannousis
a015 Blumencranz	a009 Durso	a115 Jones	a023 Pheffer	a086 Tapia
a073 Bores	a099 Eachus	a077 Joyner	Amato	a071 Taylor
a098 Brabene	a048 Eichenstein	a125 Kelles	a063 Pirozzolo	a001 Thiele
a026 Braunstein	a074 Epstein	a040 Kim	a089 Pretlow	a033 Vanel
a138 Bronson	a109 Fahy	a013 Lavine	a019 Ra	a055 Walker
a046 Brook-Krasny	a061 Fall	a065 Lee	a030 Raga	a143 Wallace
a020 Brown, E.	a008 Fitzpatrick	a126 Lemondes	a038 Rajkumar	a112 Walsh
a012 Brown, K.	a004 Flood	a095 Levenberg	a006 Ramos	a041 Weinstein
a093 Burdick	a057 Forrest	a060 Lucas	a062 Reilly	a024 Weprin
a085 Burgos	a124 Friend	a135 Lunsford	a087 Reyes	a059 Williams
a142 Burke	a050 Gallagher	a123 Lupardo	a149 Rivera	a113 Woerner
a119 Buttenschon	a131 Gallahan	a129 Magnarelli	a067 Rosenthal, L.	a080 Zaccaro
a133 Byrnes	a007 Gandolfo	a101 Maher	a025 Rozic	a096 Zebrowski
a044 Carroll	a068 Gibbs	a036 Mamdani	a111 Santabarbara	a056 Zinerman
a058 Chandler-	a002 Giglio, J.A.	a130 Manktelow	a090 Sayegh	
Waterman	a148 Giglio, J.M.	a108 McDonald	a076 Seawright	
a049 Chang	a066 Glick	a014 McDonough	a084 Septimo	
a136 Clark		a097 McGowan	a092 Shimsky	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and: in Assembly 2 copies of memorandum in support, in
Senate 4 copies of memorandum in support (single house); or 4 signed copies
of bill and 6 copies of memorandum in support (uni-bill).

1 Section 1. Short title. This act shall be known and may be cited as
2 the "stretch limousine passenger safety act".

3 § 2. Subdivision 9 of section 138 of the transportation law, as
4 amended by chapter 12 of the laws of 2020, is amended to read as
5 follows:

6 9. To maintain and annually update its website to provide information
7 with regard to each bus operator or motor carrier under subparagraphs
8 (ii) and (vi) of paragraph a of subdivision two of section one hundred
9 forty of this article requiring department operating authority that
10 includes the bus operator's or motor carrier's name, number of
11 inspections, number of out of service orders, operator identification
12 number, location and region of operation including place of address,
13 percentile to which an operator or motor carrier falls with respect to
14 out of service defects, the number or percentage of out of service
15 defects where pursuant to the commissioner's regulations no inspection
16 certificate shall be issued until the defect is repaired and a re-in-
17 spection is conducted, and the number of serious physical injury or
18 fatal crashes involving a for-hire vehicle requiring operating authority
19 pursuant to this article, and any additional publicly available informa-
20 tion provided in accordance with the safety fitness standards estab-
21 lished pursuant to part three hundred eighty-five of title forty-nine of
22 the code of federal regulations.

23 § 3. Subparagraph (iii) of paragraph (b) of subdivision 10 of section
24 138 of the transportation law, as added by chapter 5 of the laws of
25 2020, is amended to read as follows:

26 (iii) In consultation and cooperation with the commissioner of motor
27 vehicles, the commissioner shall report on safety issues reported to
28 such website, and toll-free hotline and related investigations summariz-

1 ing (A) the total number of safety issue reports received and the type
2 of safety issues reported; (B) the total number of safety issue reports
3 received and the type of safety issues reported where the commissioner
4 or the commissioner of motor vehicles, as applicable, verified the
5 information provided; (C) enforcement actions and other responses taken
6 by the commissioner or the commissioner of motor vehicles, as applica-
7 ble, to safety issue reports received where the commissioner or the
8 commissioner of motor vehicles, as applicable, has verified such infor-
9 mation; and (D) the length of time between the receipt of safety issue
10 reports from such website, or hotline and enforcement action or other
11 response by the commissioner or the commissioner of motor vehicles, as
12 applicable. Such report shall be made publicly available on the depart-
13 ment's website in a searchable format, [and] shall be published no less
14 than once annually, and shall compare the previous three years of report
15 data to the extent applicable. Such report may also be included within
16 the department's annual report submitted pursuant to subdivision thir-
17 teen of section fourteen of this chapter.

18 § 4. Paragraph b of subdivision 9 of section 140 of the transporta-
19 tion law, as amended by chapter 9 of the laws of 2020, is amended to
20 read as follows:

21 b. (i) Whenever [an altered motor vehicle commonly referred to as a
22 "stretch limousine"] one of the motor vehicles enumerated in paragraph a
23 of subdivision two of this section has failed an inspection and been
24 placed out-of-service, the commissioner may direct a police officer or
25 his or her agent to immediately secure possession of the number plates
26 of such vehicle and return the same to the commissioner of motor vehi-
27 cles. The commissioner shall notify the commissioner of motor vehicles
28 to that effect, and the commissioner of motor vehicles shall thereupon

1 suspend the registration of such vehicle until such time as the commis-
2 sioner gives notice that the out-of-service defect has been satisfac-
3 torily adjusted. Provided, however, that the commissioner shall give
4 notice and an opportunity to be heard within not more than thirty days
5 of the suspension. Failure of the holder or of any person possessing
6 such plates to deliver to the commissioner or his or her agent who
7 requests the same pursuant to this paragraph shall be a misdemeanor. The
8 commissioner of motor vehicles shall have the authority to deny a regis-
9 tration or renewal application to any other person for the same vehicle
10 where it has been determined that such registrant's intent has been to
11 evade the purposes of this paragraph and where the commissioner of motor
12 vehicles has reasonable grounds to believe that such registration or
13 renewal will have the effect of defeating the purposes of this para-
14 graph. The procedure on any such suspension shall be the same as in the
15 case of a suspension under the vehicle and traffic law. Operation of
16 such motor vehicle while under suspension as provided in this subdivi-
17 sion shall constitute a class A misdemeanor and shall be punishable by a
18 fine of not less than ten thousand dollars and assessed to the holder or
19 of any person possessing such plates for each offense committed, in
20 addition to any other fines, penalties or actions taken with respect to
21 such conduct.

22 (ii) (a) Upon the seizure of number plates pursuant to subparagraph
23 (i) of this paragraph, if the out-of-service defect is of a type where
24 pursuant to the commissioner's regulations no inspection certificate
25 will be issued until the defect is repaired and a re-inspection is
26 conducted, or is related to its horn, and the commissioner determines
27 that allowing the [altered] motor vehicle to leave the inspection area
28 would be contrary to public safety, the commissioner may: (A) remove or

1 arrange for the removal of, or may direct any police officer to remove
2 or arrange for the removal of, the [altered] motor vehicle to a non-
3 public garage or other place of safety where it shall remain impounded,
4 subject to the provisions of this section; or (B) immobilize or arrange
5 for the immobilization of the [altered] motor vehicle on premises owned
6 or under the control of the owner of such [altered] motor vehicle,
7 subject to the provisions of this section. The [altered] motor vehicle
8 shall be entered into the New York statewide police information network
9 as an impounded or immobilized vehicle and the commissioner shall
10 promptly notify the owner that the [altered] motor vehicle has been
11 impounded or immobilized and the reason or reasons for such impoundment
12 or immobilization, and give such owner an opportunity to be heard within
13 not more than thirty days of the suspension imposed pursuant to subpara-
14 graph (i) of this paragraph.

15 (b) A motor vehicle so impounded or immobilized shall be in the custo-
16 dy of the commissioner and shall not be released unless the commissioner
17 is satisfied that repairs have been scheduled or been made to satisfac-
18 torily adjust such vehicle's out-of-service defect or defects and such
19 vehicle has been re-inspected.

20 (c) The commissioner shall provide written notice to the owner or
21 operator of the service repair shop or impoundment lot informing them
22 that such impounded vehicle shall not be released without the written
23 approval of the commissioner. Release of such impounded vehicle without
24 approval by the commissioner shall be punishable by a fine of up to ten
25 thousand dollars[;].

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

1 55. Stretch limousine anti-intrusion protection. (a) Every stretch
2 limousine registered in this state shall be equipped with roll-over
3 protection devices such as cages or pillars and anti-intrusion bars for
4 the purpose of protecting rear compartment passengers, within no later
5 than one year of the date upon which the national highway traffic safety
6 administration promulgates final regulations establishing standards for
7 commercial roll-over protection devices.

8 (b) For the purposes of this subdivision "stretch limousine" shall
9 mean an altered motor vehicle having a seating capacity of nine or more
10 passengers, including the driver, commonly referred to as a "stretch
11 limousine" and which is used in the business of transporting passengers
12 for compensation.

13 § 6. Subdivision 2 of section 152 of the transportation law, as added
14 by chapter 635 of the laws of 1983, is amended to read as follows:

15 2. (a) No person or persons shall engage in intrastate transportation
16 as a contract carrier of passengers by motor vehicle on any highway in
17 this state, or hold themselves out by advertising or any other means to
18 provide such transportation, unless there is in force with respect to
19 such person or persons a permit issued by the commissioner.

20 (b) No such permit shall be issued by the commissioner to any such
21 person or persons who operate one or more stretch limousines without
22 verification that each and every stretch limousine is equipped with a
23 window break tool, an operational fire extinguisher, and shall ensure
24 that the driver and passenger partitions can be used for emergency
25 vehicular egress if other forms of egress are not available such as a
26 roof hatch.

27 (c) For the purposes of this subdivision:

1 (i) "Stretch limousine" shall mean an altered motor vehicle having a
2 seating capacity of nine or more passengers, including the driver,
3 commonly referred to as a "stretch limousine" and which is used in the
4 business of transporting passengers for compensation; and

5 (ii) "Window break tool" shall mean a tool that can be used to open
6 the windows of a stretch limousine in the event of an emergency, which
7 can be safely stored when not in use.

8 § 7. Section 375 of the vehicle and traffic law is amended by adding a
9 new subdivision 56 to read as follows:

10 56. Stretch limousine age and mileage parameters. (a) It shall be
11 unlawful to operate or cause to be operated a stretch limousine regis-
12 tered in this state on any public highway or private road open to public
13 motor vehicle traffic if the vehicle is more than ten years old or the
14 cumulative mileage registered on the vehicle's odometer exceeds three
15 hundred fifty thousand miles, whichever occurs first.

16 (b) For the purposes of this subdivision, "stretch limousine" shall
17 mean an altered motor vehicle having a seating capacity of nine or more
18 passengers, including the driver, commonly referred to as a "stretch
19 limousine" and which is used in the business of transporting passengers
20 for compensation.

21 (c) (i) A stretch limousine with an odometer reading that differs from
22 the number of miles the stretch limousine has actually traveled or that
23 has had a prior history involving the disconnection or malfunctioning of
24 an odometer or which appears to the commissioner to have an inaccurate
25 odometer reading based on prior inspection records, will be assigned an
26 imputed mileage for each month from the last reliable odometer recording
27 through the date of inspection, as provided in subparagraph (ii) of this
28 paragraph. A motor carrier may seek review of the determination to

1 assign imputed mileage as provided pursuant to article six of the trans-
2 portation law and 17 NYCRR Parts 500 and 720.

3 (ii) The imputed mileage shall be calculated by adding the mileage of
4 the stretch limousine recorded at the two most recent stretch limousine
5 inspections, including roadside inspections conducted by the commission-
6 er of transportation or division of state police, whichever is more
7 recent, and dividing that sum by twenty-four. The quotient is the imput-
8 ed monthly mileage.

9 (iii) Unless otherwise provided by the commissioner of transportation,
10 a stretch limousine may not be introduced to transport passengers for
11 compensation or continue transporting passengers for compensation if a
12 reliable baseline odometer reading cannot be ascertained.

13 (iv) A motor carrier or operator who knows or has reason to believe
14 that the odometer reading of a limousine differs from the number of
15 miles the stretch limousine has actually traveled shall disclose that
16 status to the commissioner or the department of transportation imme-
17 diately.

18 § 8. Section 509-g of the vehicle and traffic law is amended by adding
19 a new subdivision 7 to read as follows:

20 7. In addition to any other provisions of this section, in the event
21 the commissioner requires the provision of live in-person pre-trip safe-
22 ty briefings, all motor carriers shall regularly require each driver who
23 operates altered motor vehicles commonly referred to as "stretch limou-
24 sines" to demonstrate their proficiency in providing pre-trip safety
25 briefings required pursuant to subdivision nine of section five hundred
26 nine-m of this article.

27 § 9. Section 509-m of the vehicle and traffic law is amended by adding
28 a new subdivision 9 to read as follows:

1 9. (a) Establish and regularly update the form and content of a pre-
2 trip safety briefing for motor carriers that operate altered motor vehi-
3 cles commonly referred to as "stretch limousines", which operators shall
4 provide to passengers prior to transporting any persons for hire in such
5 stretch limousine.

6 (b) The commissioner shall coordinate with the department of transpor-
7 tation and the division of state police in preparing the form and
8 content of such safety briefing, and may engage additional entities or
9 individuals he or she deems appropriate.

10 § 10. Section 401 of the vehicle and traffic law is amended by adding
11 a new subdivision 24 to read as follows:

12 24. For the purposes of this section, an altered vehicle, commonly
13 referred to as "stretch limousines", shall mean a motor vehicle that has
14 been altered so as to have an extended chassis, a lengthened wheelbase,
15 or an elongated seating area. Registration plates for such vehicles
16 shall be of a type and design approved by the commissioner.

17 § 11. The vehicle and traffic law is amended by adding a new section
18 397-d to read as follows:

19 § 397-d. For-hire rebuttable presumption. For the purposes of this
20 title and notwithstanding any other provision of law, there shall be a
21 rebuttable presumption that any altered vehicle, commonly referred to as
22 a "stretch limousine", as defined in subdivision twenty-four of section
23 four hundred one of this chapter, any limousine, or any motor vehicle
24 that is capable of seating nine or more persons including the driver
25 when in use upon a public highway, private road open to public motor
26 vehicle traffic, or any parking lot, is being operated in a for-hire
27 capacity.

1 § 12. The vehicle and traffic law is amended by adding two new
2 sections 115-e and 115-f, to read as follows:

3 § 115-e. For-hire. The business of carrying or transporting passengers
4 for direct or indirect compensation, except that such term shall not
5 apply to article forty-four-B of this chapter.

6 § 115-f. For-hire vehicle. A motor vehicle used in the business of
7 carrying or transporting passengers for direct or indirect compensation,
8 except that such term shall not apply to article forty-four-B of this
9 chapter.

10 § 13. Severability. If any clause, sentence, subdivision, paragraph,
11 section or part of this act be adjudged by any court of competent juris-
12 diction to be invalid, or if any federal agency determines in writing
13 that this act would render New York state ineligible for the receipt of
14 federal funds, such judgment or written determination shall not affect,
15 impair or invalidate the remainder thereof, but shall be confined in its
16 operation to the clause, sentence, subdivision, paragraph, section or
17 part thereof directly involved in the controversy in which such judgment
18 or written determination shall have been rendered.

19 § 14. This act shall take effect immediately; provided, however,
20 sections two, three, four, eight, nine, eleven, and twelve of this act
21 shall take effect one year after it shall have become a law; provided
22 further, however, sections seven and ten of this act shall take effect
23 two years after it shall have become a law; provided further, however,
24 section six of this act shall take effect on the one hundred eightieth
25 day after it shall have become a law; provided further, however, that
26 sections four, five and six of this act shall be deemed repealed if any
27 federal agency determines in writing that this act would render New York
28 state ineligible for the receipt of federal funds or any court of compe-

1 tent jurisdiction finally determines that this act would render New York
2 state out of compliance with federal law or regulation; provided that
3 the commissioner of motor vehicles or the commissioner of transportation
4 shall notify the legislative bill drafting commission upon the occur-
5 rence of any federal agency determining in writing that this act would
6 render New York state ineligible for the receipt of federal funds or any
7 court of competent jurisdiction finally determines that this act would
8 render New York state out of compliance with federal law or regulation
9 in order that the commission may maintain an accurate and timely effec-
10 tive data base of the official text of the laws of the state of New York
11 in furtherance of effectuating the provisions of section 44 of the
12 legislative law and section 70-b of the public officers law. Effective
13 immediately, the addition, amendment and/or repeal of any rule or regu-
14 lation necessary for the implementation of this act on its effective
15 date are authorized to be made and completed on or before such effective
16 date.