

**GOVERNOR'S PROGRAM BILL
2023**

MEMORANDUM

An act to amend the transportation law and 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

Purpose:

This bill would amend various sections of the Transportation Law and Vehicle and Traffic Law and add various new sections to the Vehicle and Traffic Law as part of a comprehensive limousine safety package based upon recommendations from the Stretch Limousine Passenger Safety Task Force. Established in Chapter 3 of the Laws of 2020 due to the deadly stretch limousine crashes in Schoharie and Cutchogue, New York, the Task Force was created to study a host of safety issues involving stretch limousines and to make recommendations for improving stretch limousine safety.

Summary of Provisions:

Bill section 1 names the legislation the “Stretch Limousine Passenger Safety Act.”

Bill section 2 amends subdivision 9 of section 138 of the Transportation Law to require that the State’s limo website be updated to include any additional publicly available information in accordance with the Federal Motor Carrier Safety Administration’s SAFER website, which provides updated data on safety fitness standards and performance regarding bus operators and motor carriers (which includes stretch limousines and other vehicles that carry passengers for hire).

Bill section 3 amends subparagraph (iii) of paragraph (b) of subdivision 10 of section 138 of the Transportation Law to provide for a comparison of the annual safety report to the previous three years of report data.

Bill section 4 amends paragraph (b) of subdivision 9 of section 140 of the Transportation Law to provide for a minimum fine of \$10,000.00 and other fines, penalties or actions, for operation of a stretch limousine that is under suspension and further authorizes the commissioner of transportation to direct a police officer or his or her agent to immediately secure possession of the number plates of certain passenger carrying vehicles and return the same to the commissioner of motor vehicles when such vehicle has failed an inspection and has been placed out-of-service.

Bill section 5 adds new subdivision 55 to section 375 of the Vehicle and Traffic Law to require that stretch limousines be equipped with roll-over protection devices such as cages, pillars or anti-intrusion bars, which conform to the National Highway Traffic Safety Administration’s promulgated standards, for the purpose of protecting rear compartment passengers.

Bill section 6 adds new paragraphs (a), (b), and (c) to subdivision 2 of section 152 of the Transportation Law to require every stretch limousine operator to equip their stretch limousines with a window break tool and operational fire extinguisher and to ensure that passenger partitions can be used for emergency egress if other forms of egress are not available. This bill section also defines “stretch limousine” and “window break tool”.

Bill section 7 adds new subdivision 56 to section 375 of the Vehicle and Traffic Law relating to stretch limousine age and mileage parameters by prohibiting operation and registration of a stretch limousine that is either over 10 years old or has a cumulative mileage registered on the odometer of over 350,000, whichever occurs first. The bill defines “stretch limousine” and outlines standards for calculating a reliable baseline odometer reading if an odometer reading that differs from the actual travelled miles, and provides that such stretch limousine may not be used to transport passengers for hire if a reliable odometer reading cannot be ascertained.

Bill section 8 adds new subdivision 7 to section 509-g of the Vehicle and Traffic Law to direct motor carriers to regularly check to ensure that drivers of stretch limousines to demonstrate their proficiency in providing the pre-trip safety briefings.

Bill section 9 adds new subdivision 9 to section 509-m of the Vehicle and Traffic Law to require that the Department of Motor Vehicles regulate and update the content for motor carriers operating stretch limousines relative to required pre-trip safety briefings to passengers and directs that the Department of Motor Vehicles coordinate with the Department of Transportation and the State Police in developing the briefings’ content.

Bill section 10 adds new subdivision 24 to Vehicle and Traffic Law section 401 to define the term “altered vehicle” and require that upon registration, distinctive registration plates of the type and design approved by the Commissioner of Motor Vehicles must be issued to such vehicles.

Bill section 11 adds new section 397-d to the Vehicle and Traffic Law creating a rebuttable presumption that altered motor vehicles being operated on public highways, private roads open to the public, or any parking lot are being operated in a for-hire capacity.

Bill section 12 adds new sections 115-e and 115-f to the Vehicle and Traffic Law to define the terms “for-hire” and “for hire vehicle.” Such terms shall not apply to Article 44-B, “Transportation Network Company Services”.

Bill section 13 adds a severability clause relating to any clause, sentence, subdivision, paragraph, section or part of this bill.

Bill section 14 adds the effective dates.

Existing Law:

None.

Justification:

Stretch limousines are used in countless celebratory events, however, these limousines pose unique safety risks to drivers and passengers. In 2022, the Stretch Limousine Passenger Safety Task Force advanced numerous proposals to make limousines safer for New Yorkers. This legislation implements many of those proposals to ensure that stretch limousines provide a safe mode of transport.

Legislative History:

Bill sections 2 and 3 were the subject of S1371/A4073 and were introduced in 2023. Portions of bill section 4 were the subject of S1370-A that was introduced in 2023 and TED Part H from the 2023/2024 Executive Budget. Bill section 5 was the subject of S1368 and was introduced in 2023. Bill section 6 was the subject of S1442/A6513 and was introduced in 2023. Bill section 7 was the subject of S1443-A and was introduced in 2023. Bill sections 8 and 9 were the subjects of S1367/A4067 and were introduced in 2023.

Budget Implications:

None.

Effective Date:

Immediate except that sections two, three, four, eight, nine, eleven and twelve shall take effect one year after it shall have become a law; section six shall take effect one-hundred and eighty days after it shall have become a law; sections seven and ten shall take effect two years after they shall have become a law; sections four, five, and six, however, shall be deemed repealed if any federal agency determines that this act would render New York state ineligible for the receipt of federal funds or if a court determines that this act would render New York state out of compliance with federal law or regulation. The Commissioner of the Department of Motor Vehicles or the Commissioner of the Department of Transportation must notify the legislative bill drafting commission of such ineligibility or non-compliance. Amendment and/or repeal of any rule or regulation necessary for the implementation of the act on its effective date is authorized to be made and completed on or before such effective date.