



## Testimony for the New York State Assembly and Senate Transportation Committees

Dear Esteemed Members of the New York State Assembly and Senate Transportation Committees,

Warm greetings and sincere appreciation for your steadfast efforts in promoting safety within the limousine services industry. As stakeholders in this field, we wish to convey our unwavering commitment to ensuring the well-being of consumers, recognizing the importance of crafting legislation that is both well-informed and considerate of our industry's unique dynamics.

The safety of our valued customers remains our top priority, and we wholeheartedly support initiatives aimed at elevating safety standards in the limousine rental sector. With this in mind, we advocate for a collaborative and understanding approach that takes into consideration the nuances of our operations, steering clear of unintended consequences that may impact all stakeholders. It is worth noting that our industry significantly contributes to the state economy, generating approximately \$25 million in sales tax revenue.

In the spirit of cooperation, we propose an inclusive and thoughtful legislative process that prioritizes consumer safety while maintaining a balanced perspective that does not unduly burden businesses. We believe that such an approach will lead to effective safety measures that benefit both our customers and the industry as a whole.

Beyond our collaboration with Governor Hochul's team, we are actively working to engage with the esteemed members of the New York Senate and Assembly. We express our sincere willingness to participate in constructive dialogue and collaborate with all stakeholders to craft legislation that ensures consumer safety while addressing the unique needs of businesses crucial to the state's economic growth.

Thank you for your time and consideration of our perspective. We eagerly anticipate the opportunity to contribute to collaborative efforts on this vital matter.

Best regards,

The Limousine Bus Taxi Operators of Upstate New York



Kevin Barwell  
President



David Brown  
Vice President  
New York State Limousine Safety Advisory Board Member



David C Bastian Jr  
Legislative Chair

## Comprehensive Report on Governor Hochul's "Stretch Limousine Passenger Safety Act"

### Introduction: Sections 2-13: Amendments and Changes

#### **Section 2: Department of Transportation Safety Data**

**Support:** Our Association does not take issue with the amendment to § 2, Subdivision 9 of section 138 of the transportation law, as amended by chapter 12 of the laws of 20201.

**Supporting Clarification:** While acknowledging the importance of transparency, our organization recommends a comprehensive overhaul of the safety reporting system. The current Safelimo.com site is a "data dump" of safety information for modified stretched vehicles, Ambulette, School Districts, Coach Bus, Paratransit, and other forms of transportation regulated by NY State DOT.

**Proposing:** We are proposing the creation of a new and improved "Safe Transportation, New York" as a user-friendly platform with segmented categories (e.g., Safe Limo, Safe BUS). This aims to rectify current data confusion and provide consumers and elected officials with accurate information.

#### **Section 3: Safety Issue Reporting Requirements**

**Support:** Our association supports the amendment of § 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.

**Proposing:** The safety reporting issues should be available for all forms of transportation regulated by DOT. The information for Ambulettes, buses, modified stretched Limousines & school districts would be shared on the new & improved "Safe Transportation New York" website as mentioned in section 2 Department of Transportation Safety Data.

#### **Section 4: Seizure of Number Plates and Suspension of Registration**

**Oppose:** Our organization opposes the immediate plate removal after a failed safety inspection without due process. “b. (i) Whenever [an altered motor vehicle commonly referred to as a "stretch limousine"] one of the motor vehicles enumerated in paragraph a of subdivision two of this section has failed an inspection and been placed out-of-service, the commissioner may direct a police officer or his or her agent to immediately secure possession of the number plates of such vehicle and return the same to the commissioner of motor vehicles.”

**Proposing:**

- In case of a New York State DOT safety inspection failure, the vehicle will receive an out-of-service designation, with the plates remaining on the vehicle while the repair facility securely holds the keys. A 72-hour "repair window" will be initiated, during which the vehicle must undergo repairs. If the repairs are completed within this timeframe, NY DOT will be notified for a re-inspection.
- In the event that the vehicle remains unrepaired for 72 hours, the NY DOT reserves the right to confiscate the plates and transfer them to the nearest NY State DMV corresponding to the repair facility or business address. To enhance efficiency in this procedure, we suggest implementing a Plate Storage System, akin to the management of vanity plates, to secure the plates until documentation of a successful New York State DOT inspection is presented to the NY State DMV.

**Key Facts Clarification:**

The existing law places financial strain on operators, rendering their vehicles unavailable for revenue generation over an extended period—sometimes lasting months—following a brief 72-hour downtime due to a failed inspection. We advocate for equitable treatment, questioning whether the bus industry adheres to a similar process.

#### **Section 5: Roll-Over Protection Devices**

**Support:** Amendment to Section 375 of the vehicle and traffic law is proposed by adding a new subdivision 55

**Cautious Approach Clarification:** While endorsing the proactive approach to safety, our organization underscores the importance of a cautious stance. We advocate for the implementation of this law only subsequent to considering suggestions from the National Highway Traffic Safety Administration (NHTSA) and conducting a comprehensive study by automotive engineers. This approach ensures a well-informed decision concerning vehicle safety, as mandated by federal law (**H.R. 3684 - 117th Congress:**

**Infrastructure Investment and Jobs Act**)<sup>1</sup>.

**Please Note:** In the aftermath of the Schoharie crash, legislators from both the Senate and Assembly introduced bills requiring roll cages, airbags, or other safety devices. Prior to presenting this legislation,

lawmakers conducted a "crashworthiness study" by automotive engineers.<sup>1</sup>

Footnotes

1. Infrastructure Investment and Jobs Act, H.R. 3684, 117th Cong. (2021). Vehicle and Traffic Law § 375(55) (amended).

### **Section 6: Prohibiting Permits without Specified Safety Equipment**

**Support:** Advocating for the usage of window break tools.

**Clarification Needed:** Regarding § 6, Subdivision 2 of section 152 of the transportation law, as amended by chapter 635 of the laws of 1983, which is amended to read as follows: No person or persons shall engage in intrastate transportation as a contract carrier of passengers by motor vehicle on any highway in this state, or hold themselves out by advertising or any other means to provide such transportation unless there is in force with respect to such person or persons a permit issued by the commissioner.

#### **Additional Questions:**

- Who will issue the permit?
- Who will enforce compliance with this new law?
- What will be the cost of this permit?
- Will out-of-state companies engaging in intrastate commerce be required to purchase this permit?

## **Section 7: Age and Mileage Parameters**

**No Opposition:** Our association does not take issue with legislation in regard to odometer readings & New York Safety Inspection process.

**Opposition:** Our organization opposes Sunset Periods for FMVSS-compliant and state-inspected vehicles, advocating for similar exemptions referenced in Senator Hinchey's bill S1443a.

### **Proposing:**

- Ensure exemptions for vehicles meeting FMVSS standards and those deemed safe within the New York State bus inspection safety program by New York State DOT safety inspectors regulated by New York State DOT.
- Emphasize FMVSS Compliance for vehicles built by a manufacturer registered with by NHTSA: Explicitly state that modified stretched vehicles with a secondary Vehicle Manufacturers certificate label. FMVSS-labeled vehicles meet federal safety standards, should be exempted them from specified sunset periods.
- Recognition of State Inspection: Acknowledge vehicles certified safe by New York state inspectors through the bus inspection safety program as meeting safety standards, also exempting them from sunset provisions.
- Language Change: Use the term "must" in Senator Hinchey's bill S1443a to mandate consideration of exceptions for stretch limousines that are deemed safe by NY DOT inspectors and meet all FMVSS regulations for the vehicles model year.
- Would like to see the language in section A 2 1 of bill S1443a modified as; Manufacturers registered with NHTSA and warrantied in accordance with the CMC or QVM process 2 are built to meet all Federal Motor Vehicle Safety Standards and have a NHTSA-required FMVSS label affixed adjacent to the 49 CFR § 567.7 - Requirements for persons who alter certified vehicles.), or based upon demonstrated 3 safety record history of compliance with article nineteen-A of this 4 title and absence of out-of-service "A"; defects pursuant to 17 NYCRR 5 720.11.

**Our industry supports** the removal of vehicles from the marketplace that do not conform to FMVSS (Federal Motor Vehicle Safety Standards).

### **Key Facts Clarification:**

- The Schoharie Expedition involved in the crash was constructed by a builder who lacked registration with NHTSA and failed to affix the necessary secondary manufacturing labels.
- The modified stretch vehicle, a Lincoln Town Car from the Long Island Crash, was manufactured by a company registered with NHTSA. This particular modified stretched vehicle included side anti-intrusion beams. The Grand Jury report explicitly stated that the anti-intrusion beams did not fail, and the vehicle was absolved of fault for the crash.

## **Sections 8-9: Pre-Trip Safety Briefings**

### ***Section 8 Support***

- Our association supports pre-trip safety briefings outlined in § 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 the commissioner requires the provision of live in-person pre-trip safety briefings, all motor carriers shall regularly require each driver who operates altered motor vehicles commonly referred to as "stretch limousines" to demonstrate their proficiency in providing pre-trip safety briefings required pursuant to subdivision nine of section five hundred nine-m of this article.

### **Section 9 Support:**

- Our Association supports Pre-trip safety briefings outlined in § 9. Section 509-m of the vehicle and traffic law is amended by adding 28 a new subdivision 9 to read as follows: 11/16/23 9 12022-01-3 1 9. (a) Establish and regularly update the form and content of a pre- trip safety briefing for motor carriers that operate altered motor vehicles commonly referred to as "stretch limousines", which operators shall provide to passengers prior to transporting any persons for hire in such stretch limousine.

### **Additional Info Needed:**

- We need additional info regarding script, process required by the state, penalties for not complying, as well as enforcement of this new law, who will be enforcing.

## Sections 10-12: New Definitions

### Section 10 Clarification:

- Our industry is seeking clarification on the redefined terms, especially "altered vehicle" and "for-hire," is imperative. Understanding the scope and potential implications for various types of vehicles, including SUVs, sedans, and smaller vans, is crucial for industry participants.

### Section 11 Clarification:

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

**Clarification Needed:** Our industry is seeking clarification on the redefined terms, especially For-hire rebuttable presumption.

### Section 12 - Amendment Proposal:

**Opposition:** We express our opposition to the current addition to the New York State Vehicle and Traffic Law under consideration.

- **Concerns and Proposed Amendment:** Our concerns lie in the exception pertaining to Article 44B of the chapter. The proposed amendment suggests adding two new sections, 115-e and 115-f, which read as follows: "§ 115-e. For-hire. The business of carrying or transporting passengers for direct or indirect compensation, except that such term shall not apply to Article forty-four-B of this chapter."
- **Proposed Section 12 Amendment:** We propose amending Section 12 to read as follows: "§ 115-e. For-hire. The business of carrying or transporting passengers for direct or indirect compensation."

### Reasons for Amendment:

- VTL Article 44b is not applicable to modified stretched limousines.
- TNCs are ineligible to utilize modified stretched vehicles.