

2009 Motorcycle Related / New York Legislation – updated 06/02/09 by Karen Kittle
ABATE of New York Inc., supports the following bills

Bill Number: A00691 [No same as] Thruway Tolls - Exempts motorcycles from tolls collected from the New York state thruway authority by authorizing the thruway authority to promulgate rules and regulations to establish such exemption.

Sponsor: John

Cosponsor

Amd S361, Pub Auth L; amd S1630, V & T L

Assembly Status: 01/07/2009 referred to transportation

Bill Number: A00874 [No same as] Increases the fine for operating a motorcycle with a muffler that produces excessive or unusual noise from one hundred dollars to seven hundred dollars.

Sponsor: Gantt

Amd S381, V & T L

Assembly Status: 01/07/2009 referred to transportation

Bill Number: A01933/ S01298 Confiscation Bill- Provides that ownership of unidentifiable part in identifiable motorcycle, other than a stolen motorcycle shall be returned to such owner, provided that department has made findings such owner had no knowledge part was unidentifiable and that owner wasn't responsible nor acted in concert to render such part unidentifiable; provides that a department investigation shall take place within thirty days after seizure of motorcycle; and requires commissioner to establish criteria to determine whether motorcycle shall be confiscated, seized or impounded and also to establish a system to ensure return of motorcycles to owners in undamaged condition.

Assembly Sponsor: Lupardo.

Cosponsor: Canestrari , DelMonte, Schroeder, Espaillat , Magee, Carrozza , Hawley

Mltspnsr: Benjamin, Boyland, Brennan, Cook, Crouch, Destito, John, Latimer, Lopez P, Lopez V, Markey, McEneny, Miller, Pheffer, Pretlow, Sweeney, Titus, Weisenberg

Senate Sponsor: Dilan

Amd S423-a, V & T L

Assembly Status: 01/14/2009 referred to transportation

02/24/2009 reported referred to codes

02/25/2009 reported referred to ways and means

05/05/2009 reported

05/07/2009 advanced to third reading cal. 511

Senate Status: 01/28/2009 referred to transportation

06/02/2009 1st report cal. 614

06/03/2009 2nd report cal.

06/04/2009 advanced to third reading

****GENERAL IDEA:** To ensure the prompt return of motor cycles seized from innocent owners due to problems with vehicle identification numbers. **SUMMARY OF SPECIFIC PROVISIONS :** Section 1 of the bill would assign a new identification number and return of motor vehicle, trailer or part to owner. If a person other than the person arrested be the owner, the motor vehicle, trailer or part shall be returned to his or her as soon as he or she has arranged to have the department of motor vehicles affix a new number, or in the case of a part, inspect such part, and the department has done so, as provided in section four hundred twenty-two of this (chapter) article. Prior to the return of the motor vehicle, trailer or part, or the transfer of custody of said motor vehicle, trailer or part, the arresting officer shall transmit notice of the arrest to the commissioner. Section 2 of the bill would require the transfer of ownership of an unidentifiable part in an otherwise identifiable motorcycle (other than a stolen motorcycle) held by DMV or a local police department to the owner of the motorcycle, provided that DMV or such department has made findings that the owner had no knowledge that the part was unidentifiable and the owner was neither responsible for rendering the part unidentifiable nor acting in concert with any person to do so. This section also would require an investigation for making such findings, to be made no later than 30 days after seizure of the motorcycle. Upon such findings, the bill would require DMV or such police department to return such motorcycle to its Owner immediately. Finally, the bill would

require DMV to establish a system of safeguards to ensure the return of a seized or confiscated motorcycle in an undamaged condition.

Bill Number A02178 /S3239 Sales Tax - Exempts bicycle, motorcycle, snowmobile and equestrian helmets from sales and use tax.

Assembly Sponsor: McEneny

Cosponsor: Lupardo

Mltspnr: Abbate, Benjamin, Colton, Cook, DelMonte, Destito, Espailat, Lancman, Magee, Reilly, Rivera J, Schimminger, Stripe, Towns, Weisenberg

Senate Sponsor: Flanagan

Assembly status: 01/15/2009 referred to ways and means

Senate Status: 03/13/2009 referred to investigation & government operations

Bill Number: A02802/ S02633 Return of Stolen- Expedites the return of stolen motor vehicles and motorcycles to their rightful owners thereby reducing overcrowding of police storage pounds; provides for evidentiary photographs of their vehicle to be made available upon discovery.

Assembly Sponsor: Kolb

Cosponsor: Errigo, Hawley, Walker, Crouch

Mltspnsr: Raia, Corwin, Jordan, Lopez P.

Senate Sponsor: Padavan

Cosponsor: Morahan, Johnson O

Amd S450.10, Pen L

Assembly Status: 01/21/2009 referred to Codes

Senate Status: 02/25/2009 referred to Codes

Bill Number: A04210 [No same as] Stolen Plate -Permits registrants of stolen motor vehicles, motorcycles or trailers to credit the unused portion of the requisite registration fee against any subsequent registration fees for other vehicles owned by the registrant.

Sponsor: Brennan

Cospnsr: Ortiz, John, Colton, Lupardo

Mltspnsr: Abbate, Canestrari, Eddington, Fields, Hooper, Lopez P., Maisel, McEneny, Pheffer, Sweeney, Weisenburg

Amd S420, V & T L

Assembly Status: 02/02/2009 referred to transportation

04/21/2009 reported referred to ways and means

05/05/2009 reported to ways & mean

05/07/2009 reported

05/11/2009 advanced to 3rd reading cal. 525

05/11/2009 delivered to senate

05/11/2009 referred to transportation

Votes:05/11/2009 YEA/NAY: 140/000

Abbate	Y	Cahill	Y	Errigo	Y	Hyer-Sp	Y	Mayerse	Y	Quinn	Y	Stirpe	Y
Alessi	Y	Calhoun	Y	Espail	Y	Jacobs	Y	McDonou	Y	Rabbitt	Y	Sweeney	Y
Alfano	Y	Camara	Y	Farrell	Y	Jaffee	Y	McEneny	Y	Raia	Y	Tedisco	Y
Amedore	Y	Canestr	Y	Fields	Y	Jeffrie	Y	McKevit	Y	Ramos	Y	Thiele	Y
Arroyo	Y	Carrozz	Y	Finch	Y	John	Y	Meng	Y	Reilich	Y	Titone	Y
Aubry	Y	Castro	Y	Fitzpat	Y	Jordan	Y	Miller	Y	Reilly	Y	Titus	Y
Bacalle	Y	Christe	Y	Gabrysz	Y	Kavanag	Y	Millman	Y	Rive J	Y	Tobacco	Y
Ball	Y	Clark	Y	Galef	Y	Kellner	Y	Molinar	ER	Rive N	Y	Towns	ER
Barclay	Y	Colton	Y	Gantt	ER	Kolb	Y	Morelle	Y	Rive PM	Y	Townsen	Y
Barra	Y	Conte	Y	Gianari	Y	Koon	Y	Nolan	Y	Robinso	Y	Walker	Y
Barron	Y	Cook	Y	Giglio	Y	Lancman	Y	Oaks	Y	Rosenth	Y	Weinste	ER
Benedet	Y	Corwin	Y	Glick	Y	Latimer	Y	O'Donne	Y	Russell	Y	Weisenb	Y
Benjami	Y	Crouch	Y	Gordon	Y	Lavine	Y	O'Mara	Y	Saladin	Y	Weprin	Y
Bing	Y	Cusick	Y	Gottfri	Y	Lentol	Y	Ortiz	Y	Sayward	Y	Wright	Y
Boyland	ER	Cymbrow	Y	Gunther	Y	Lifton	Y	Parment	Y	Scarbor	ER	Zebrows	Y

Boyle Y DelMont Y Hawley Y Lope PD Y Paulin Y Schimel Y Mr Spkr Y
Bradley Y DenDekk Y Hayes Y Lope VJ Y Peoples Y Schimmi Y
Brennan Y Destito Y Heastie Y Lupardo Y Peralta Y Schroed Y
Brodsky Y Dinowit Y Hevesi Y Magee Y Perry Y Scozzaf Y
Brook-K Y Duprey Y Hikind Y Magnare Y Pheffer Y Seminer Y
Burling Y Eddingt Y Hooper Y Maisel ER Powell Y Skartad Y
Butler Y Englebr Y Hoyt Y Markey ER Pretlow Y Spano Y

Bill Number: A04541/S02403 Helmet Bill - Exempts motorcyclists over the age of twenty-one from the requirement of wearing protective helmets of a type approved by the commissioners of motor vehicles when operating or riding a motorcycle. Requires helmet use for riders under 21.

Assembly Sponsor: Parment

Cosponsor: Lupardo

Senate Sponsor: Nozzolio

Amd S381, V & T L

Assembly Status: 02/04/2009 referred to transportation

Senate Status: 02/04/2009 referred to transportation

Bill Number S02707 [No Same As] Repo Bill - Requires notice after repossession, opportunity to cure default, and notice of any sale of the repossessed motor vehicle or motorcycle.

Sponsor: Adams

Cosponsor: Monserate, Parker

Mltspnsr

Amd S425, V & T L

Senate Status: 02/26/2009 referred to transportation

Bill Number A04061 [No Same As] Hit & Run Bill / Criminal Penalties - Increases the criminal penalties for crimes of vehicular assault, vehicular manslaughter and leaving the scene of an incident where death or serious personal injury has resulted.

Sponsor: Raia (MS)

Cosponsor: Alfano, Burling, Giglio, Kolb, Walker

Mltspnsr: Bacalles, Barclay, Barra, Butler, Calhoun, Conte, Errigo, Finch, Fitzpatrick, Lopez P, McDonough, McKeivitt, Miller, O'Mara, Sayward, Thiele, Townsend

Amd SS120.03, 120.04, 125.12 & 125.13, Pen L; amd S600, V & T L

Assembly Status: 01/29/2009 referred to codes

Bill Number S04261 [No Same As] Hit & Run Bill / Imprisonment - Provides that for a sentence imposed for leaving the scene of an incident without reporting where the accident caused death or serious physical injury, as required in section 600 of the vehicle and traffic law, the minimum period of imprisonment must be for two years.

Sponsor: Kruger

Amd S600, V & T L; amd SS60.05 & 70.00, Pen L

Senate Actions: 04/20/2009 Referred to transportation

Bill Number A03360 [No Same As] Vehicle Collision Reconstruction Bill - Establishes a motor vehicle collision reconstruction unit within the division of the state police and allows the district attorney to designate either himself or herself, and/or at least one assistant as vehicular crimes prosecutor to conduct prosecutions of certain crimes.

Sponsor: Eddington (MS)

Cosponsor: Bradley, Cahill, Cusick, Englebright

Add S223-a, Exec L; amd S702, County L

Assembly Status: 01/27/2009 referred to codes

Some other motorcycle related bills

Bill number: A00720 [No same as] Requires motorcycle user to wear helmets that meet the federal motor vehicle safety standards and which have been impact-tested by the U.S. department of transportation, the commissioner of motor vehicles or by an independent laboratory approved by the commissioner of motor vehicles.

Sponsor: Gantt –

Amd S381, V & T L

Assembly Status: 01/07/2009 referred to transportation

01/27/2009 reported referred to codes

02/03/2009 reported

02/05/2009 advance to third reading cal 59

Bill Number: A03304 /S04271 Requires a motorcycle dealer to obtain a copy of a purchaser's valid driver's license for the operation of a motorcycle and requires first time motorcycle purchasers to complete an approved motorcycle rider training program.

Assembly Sponsor: Eddington

Senate Sponsor: Foley

Amd SS420-a & 410 V & T L

Assembly Status : 01/26/2009 referred to transportation

Senate Status: 04/20/2009 referred to transportation

Bill Number A04384 [No Same As] Passenger age restriction: Prohibits a person from operating or riding a motorcycle on a public highway, road or street in the state with a child under the age twelve.

Sponsor: Markey

Cosponsor: Millman, Hooper, Galef, Carrozza, Mayersohn, Benedetto

Mltspnsr: Dinowitz, Maisel, Weisenburg

Amd S1251, V & T L

Assembly Status: 02/03/2009 referred to transportation

Bill Number S0592 [No Same As] Passenger age restriction - Prohibits persons under the age of ten from being a passenger on a motorcycle.

Sponsor: Alesi

Senate Status: 04/27/2009 referred to transportation

Bill Number A05980 / [No Same As] Exhaust Bill-Provides for penalties for operation of a motorcycle without required equipment.

Sponsor: Zebrowski (MS)

Cosponsor: Benedetto, Castro, Fields, Galef, Gottfried, Jaffee, Lancman, Reilly, Spano, Titone

Mltspnsr: DelMonte, Dinowitz, Hevesi, Maisel, McEneny, Pheffer, Schimel, Weisenberg

Amd SS375 & 381, V & T L

SUMMARY OF PROVISIONS : Section 1 and 2 of this bill are amend sections 375 and 381 of the vehicle and traffic law as it relates to increasing penalties for installing an illegal exhaust system on motorcycles and motor vehicles. A first offense violation shall be punishable by a fine up to \$100 and/or removal of the muffler and exhaust system. A second offense violation shall be punishable by a fine no more than \$500 and/or removal of the muffler and exhaust system. A third offense violation shall be punishable by a fine no more than \$1000 and/or removal of the muffler and exhaust system and/or the imposition of two points on the violator's record.

Assembly status: 02/23/2009 referred to transportation