REPORT
STRETCH LIMOUSINE PASSENGER SAFETY
TASK FORCE
2022
I. Stretch Limousine Passenger Task Force Membership

a. Names and Titles of Members

Mark Schroeder, New York State Department of Motor Vehicles Commissioner
Marie Therese Dominguez, New York State Department of Transportation Commissioner
Kevin P. Bruen, New York State Police Superintendent
Joan McDonald, Westchester County Director of Operations
Matthew J. Driscoll, Executive Director at NYS Thruway Authority
David J. Brown, President and CEO of Premiere Transportation
Edward Stoppelmann, Co-Owner of Red Oak Transportation
Albro Fancher, New York State Police, Senior Investigator
Kevin Cushing
Nancy DiMonte
Ron Barton

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III. Chairs’ Acknowledgement to Appointed Members and Staff
From the Co-Chairs

We would like to thank Governor Kathy Hochul and the New York State Legislature for giving us the privilege of leading this task force and special thanks to each of the task force members who dedicated their time, knowledge, and experience to this important effort. We found the opportunity to work directly with such a diverse and distinguished group of individuals who share our passion for traffic safety to be a rewarding experience.

Countless New York families, including some of those part of this very task force, have endured tragedy as a result of preventable vehicle crashes on our roadways. In the wake of those tragedies, New York State and the federal government passed extensive legislation to strengthen the laws and regulations that govern stretch limousines, underscoring the need for particular scrutiny on this sector of the for-hire motor vehicle industry. Those measures have increased passenger protections; heightened criminal and civil penalties; and strengthened enforcement provisions.

Building on this foundation, the task force worked diligently to examine potential ways to further strengthen current law or regulation, identify any unintended outcomes of existing measures, and explore opportunities to further enhance stretch limousine vehicle and passenger safety.

Each member of the task force, bringing a unique perspective to the committee, offered enlightening input during our public meetings and spent many hours on their own reviewing informational materials, legislation, and meeting minutes to best serve the purpose of the task force. Our collective recommendations reflect the meaningful discussions that emanated from their tireless work and ability to come together to fulfill our charge and provide a steppingstone for future safety enhancements on our roadways.

We would also like to acknowledge the dozens of staff members who assisted the task force by preparing meeting materials, transcribing notes, compiling feedback from each of the members, and providing logistical support for the public meetings and the public hearing. We would also like to extend our appreciation to our colleagues who provided technical support throughout this process. Without everyone’s dedication and expertise, our task force would not have been successful in completing its mission.

While work remains to be done to ensure that no person ever experiences the anguish of losing a loved one due to a stretch limousine crash, this experience has demonstrated to us that we are our best, our strongest, when we work together. It is our sincere hope that the recommendations herein will be purposeful contributions to New York’s efforts to protect every user of our roadways.

Mark J.F. Schroeder  
Marie Therese Dominguez
IV. Executive Summary
The stretch limousine Passenger Safety Task Force was established by Chapter 3 of the Laws of 2020 and extended by Chapter 177 of the Laws of 2022 to conduct a comprehensive review of matters influencing the safety, adequacy, efficiency, and reliability of stretch limousine transportation of passengers for compensation. The law requires that the task force deliver a final report to the governor, the temporary president of the senate, and the speaker of the assembly by October 1st, 2022. In keeping with this requirement, the task force is providing the following report and recommendations for consideration by the Governor and the Legislature.

The Stretch Limousine Passenger Safety Task Force initially convened in early 2022 and met on the following dates to conduct its review and identify key recommendations:

- February 3rd, 2022
- March 15th, 2022
- April 29th, 2022
- June 13th, 2022 *Public Hearing
- July 11th, 2022
- August 4th, 2022
- September 16th, 2022

The task force received written comments from the general public and task force members also submitted their own written statements for consideration in the final report. All written submissions were in addition to discussion and deliberation of multiple actions and measures necessary to ensure the safety of for-hire passenger transportation via stretch limousines.

A summary of the actions and measures reviewed by the task force at the meetings are as follows:

a. Coordination Between the Department of Motor Vehicles and the Department of Transportation, Sharing Information, Real Time Traffic and Criminal Convictions Reporting, and Best Uses for a Smartphone Application, Website, or Hotline
b. Establishment of Uniform Safety Training Programs for Drivers
c. Extending Article 19-A of VTL to Drivers of Stretch Limousines
d. Establishing Limit on Allowable Time Frames for Stretch Limousines to be Permitted to Operate within NYS
e. Review of Federal Laws and Preemption of State Action
f. Increasing the Minimum Age for Drivers to Obtain a License to Operate Stretch Limousines
g. Installation of Additional Safety Features in Stretch Limousines
h. Appropriate Notice or Signage for Customers and Passengers
i. Feasibility of State-Run Crash Testing for Stretch Limousines
j. Impaired Driving
k. Consumer Awareness and Outreach
l. Operator/Vehicle Rating System
m. Restricting Vehicle Registration to QVM/CMC Certified Vehicles
n. Developing More Rigorous Stretch Limousine Inspection Procedures
o. GPS Tracking of Stretch Limousines Placed Out-of-Service
p. Enforcement
q. Insurance Requirements

Recommendations to the Governor and Legislature:

1. The task force recommends that DMV, DOT, and State Police continue to assess and develop policies to continue to enhance communication.

2. The task force recommends that a training program be developed for use by all drivers employed by operators requiring NYS DOT Passenger Operating Authority, including drivers employed by operators of stretch limousines, to ensure such drivers are trained to conduct a pre-trip safety demonstration on the use of safety features available in a vehicle in case of emergency.
   Included in the training program should be a demonstration of the tools that exist in the vehicles to break window glass, the location and use of any emergency roof hatches or pop-out windows in the vehicle, as well as the location and proper use of seat belts in the vehicle.

3. The task force recommends that no changes be made to existing laws, policies, or regulations pertaining to Article 19-A of VTL – particularly with respect to further extending 19-A provisions to drivers of stretch limousines.

4. The task force recommends the adoption of a law that would prohibit the use of stretch limousines in a for-hire capacity after the vehicle reaches ten years of age from the original date of manufacture or accumulates 350,000 miles. Limited exemptions would be allowable upon state agency approval for antique, historical, and personal use vehicles.

5. The task force recommends that no changes be made to existing laws, policies, or regulations pertaining to minimum age of stretch limousine operators.

6. The task force recommends stretch limousines subject to NYS DOT semi-annual inspection be equipped with side anti-intrusion bars.

7. The task force recommends that limousine drivers be required to point out and explain the required signage in the limousine to passengers as a part of a pre-trip safety demonstration.

8. The task force considers crash testing to be a federal oversight function and that no state action is required.

9. The task force recommends increasing Governor’s Traffic Safety Committee funding for Drug Recognition Expert training. The task force recommends that no changes be made to existing laws, policies, or regulations pertaining to impaired driving.

10. The task force recommends that non-seatbelt use dashboard and/or passenger compartment warning signals should be explored/assessed.
    The task force recommends exploring assessing liability to passengers for failing to use seatbelts.
    The task force recommends the addition of a pre-trip safety briefing, which educates passengers on the safety features of a vehicle.
    The task force recommends the creation of a marketing campaign through traditional and non-traditional media and in partnership with other organizations (such as Automobile Association of America (AAA), Mothers Against Drunk Driving (MADD), WeddingWire, The Knot, Yelp, etc.) to educate consumers about what to look for when chartering a stretch limousine.
    The task force recommends requiring any school district that receives state funding to mandate a program on safe proms, which includes what elements to look for when chartering a limousine.
11. The task force recommends establishing and publicizing a limousine carrier rating program.
12. Although task force members supported the concept of a QVM/CMC type of certification, due to the lack of availability of the certified vehicles, implementation is not practicable. Members agree that the NYS DOT semi-annual inspection program is the critical part of the vehicle compliance/safety process.
13. The task force recommends requiring window break tools and the enhancement of fire extinguisher requirements currently in regulation.
   The task force recommends requiring driver/passenger partitions to be operable as an emergency exit if other forms of egress are not available such as a roof hatch.
   The task force recommends uploading semi-annual inspection data to FMCSA via the roadside inspection process.
14. The task force recommends no further action as comprehensive protocols are in place.
15. The task force recommends the agencies be directed to increase enforcement activities, specifically focusing on seasons, times, and events which historically see more stretch limousine usage.
   The task force recommends an increase in civil and criminal penalties and the expansion of plate seizure and impound authority to larger vehicles.
16. The task force recommends that the Department of Financial Services be directed to evaluate the appropriateness of statutory minimums for insurance and implore the Department of Financial Services to address industry concerns such as but not limited to the availability of affordable coverage, increasing access to insurance products for stretch limousines, and specific analysis regarding Supplemental Uninsured Motorist (SUM) coverage and any recommended changes to such coverage requirements.

The Stretch Limousine Passenger Task Force’s report is a product of deliberations on and review of presently available data, information and documents. The Task Force is committed to the production of a comprehensive report aimed to enhance limousine safety for all New Yorkers and as such, will review and consider any future reports, documents or investigative material, such as a report by the New York State Inspector General on the 2018 Schoharie limousine crash.

V. Taskforce Charge
The Stretch Limousine Passenger Safety Task Force was established by Chapter 3 of the Laws of 2020 and extended by Chapter 177 of the Laws of 2022. The task force is charged with undertaking a review of the actions and measures that are needed to ensure safe, adequate, efficient, and reliable for-hire passenger transportation by stretch limousines and make recommendations regarding:

   a. Enhanced coordination between the Department of Motor Vehicles and the Department of Transportation regarding the regulation of stretch limousines, including an examination into how the Department of Transportation and Department of Motor Vehicles can share necessary information related to stretch limousines and their operators including, but not limited to, inspection status, registration status, operating certification or permit status, and relevant traffic or criminal convictions, in real-time, and regarding the best uses for a smartphone application, website, or hotline;
b. The establishment and adoption of a uniform safety training program for drivers of stretch limousines, including a component to train such drivers to conduct a safety demonstration with passengers instructing them on the use of seatbelts and any other relevant safety measures that may be deemed useful;

c. The appropriateness of extending Vehicle and Traffic Law requirements and regulations that currently apply to bus drivers under article 19-A of such law to drivers of stretch limousines;

d. The appropriateness of establishing a limit on the maximum allowable time frame for stretch limousines to be permitted to operate on roadways within the state, such as a possible limit of ten years or 350,000 miles;

e. A review of federal laws and rules as they relate to the regulation of stretch limousines, including but not limited to, identification of the subject areas specifically regulated by federal laws and rules, whether and to what extent federal laws and rules preempt state action with respect to the regulation of stretch limousines, and areas of stretch limousine regulation which are subject to oversight by the states; and

f. The need for additional safety measures for stretch limousines, including, but not limited to, increasing the minimum age for drivers to obtain a license to operate stretch limousines; the installation of safety features in such vehicles such as multiple anti-intrusion bars inside panels, roll-over protection devices such as cages or pillars, rear emergency exits including push-out windows, rear view cameras, airbags, carbon monoxide monitors, and speed restriction or governing devices to limit top vehicle speeds; appropriate notice or signage for customers and passengers; and the feasibility and necessity of having New York state run crash testing for stretch limousines.

The task force must submit a final report and recommendations to the Governor, the Temporary President of the Senate, and the Speaker of the Assembly by October 1, 2022.

VI. Review of Previously Enacted Limousine Safety Legislation
a. Drug testing – Chapter 2 of the Laws of 2020
   i. A712-A
   ii. Paulin
   iii. 02/03/20 signed chapter 2 with Press Release
   iv. Adds §507-a, Vehicle & Traffic Law. Relates to drug and alcohol testing and requirements for for-hire vehicle drivers and motor carriers.

b. Limousine task force – Chapter 3 of the Laws of 2020
   i. A1316-C
   ii. Paulin
   iii. 02/03/20 signed chapter 3 with Press Release
   iv. Establishes the stretch limousine passenger safety task force to conduct a comprehensive review of matters influencing the safety, adequacy, efficiency, and reliability of stretch limousine transportation of passengers for compensation.
c. Increased penalties for illegal U-turns by stretch limousines – Chapter 4 of the Laws of 2020  
   i. A8172-B  
   ii. Santabarbara  
   iii. 02/03/20 signed chapter 4 with Press Release  
   iv. Amends §1161, Vehicle & Traffic Law. Relates to the punishment for certain traffic infractions committed by an operator of a stretch limousine or other motor vehicle designed or modified for purposes of having a seating capacity of nine or more passengers.

d. Customer service resources – Chapter 5 of the Laws of 2020  
   i. A8214-B  
   ii. Santabarbara  
   iii. 02/03/20 signed chapter 5 with Press Release  
   iv. Amends §138, Transportation Law. Requires the commissioner of transportation to establish, maintain, monitor, and publicize a hotline operated and maintained by the Department of Motor Vehicles through which any person may report safety issues with stretch limousines and to use such reports when determining withdrawing a motor carrier’s operating authority or denying applications for new or revised operating authority.

e. Stretch limousine safety requirements and the class of license required to operate stretch limousines - Chapter 6 of the Laws of 2020  
   i. A8474-A  
   ii. Santabarbara  
   iii. 02/03/20 signed chapter 6 with Press Release  
   iv. Amends §§151, 501 & 501-a, Transportation Law. Relates to stretch limousine safety requirements and changes the class of license required to operate stretch limousines; stretch limousines are vehicles that have a seating capacity of nine or more.

f. Seat belt use required in taxis and liveries - Chapter 8 of the Laws of 2020  
   i. A8990  
   ii. Magnarelli  
   iii. 02/03/20 signed chapter 8 with Press Release  

g. Immobilization/ Impoundment of defective limousines – Chapter 9 of the Laws of 2020  
   i. A9056  
   ii. Magnarelli  
   iii. 02/03/20 signed chapter 9 with Press Release  
   iv. Amends §140, Transportation Law. Allows the commissioner of transportation to impound or immobilize stretch limousines in certain situations; provides that such impounded motor vehicle shall not be released unless the commissioner of transportation is satisfied that repairs have
been scheduled or been made to satisfactorily adjust such vehicle's out-of-service defect or defects; provides that release of such impounded vehicle without approval by such commissioner shall be punishable by a fine of up to ten thousand dollars; makes related provisions.

h. Seatbelt requirements in limousines - Chapter 10 of the Laws of 2020
   i.  A9057
   ii. Paulin
   iii. 02/03/20 signed chapter 10 with Press Release
   iv. Amends §§375 & 383, Vehicle & Traffic Law. Provides that altered motor vehicles commonly referred to as "stretch limousines" which were altered on or after January 1, 2021, shall have at least two safety belts for the front seat and at least one safety belt for the rear seat for each passenger for which the rear seat of such vehicle was designed.

i. GPS Requirements for stretch limousines – Chapter 11 - of the Laws of 2020
   i.  A9058
   ii. Santabarbara
   iii. 02/03/20 signed chapter 11 with Press Release
   iv. Amends §375, Vehicle & Traffic Law. Requires stretch limousines to use commercial global positioning system technology which takes into account the minimum clearance, weight restriction, or turning radius of the motor vehicle.

j. Driver License Validation - Chapter 12 - of the Laws of 2020
   i.  A9059
   ii. Santabarbara
   iii. 02/03/20 signed chapter 12 with Press Release
   iv. Amends §§509-d & 509-m, Vehicle & Traffic Law; amends §138, Transportation Law. Provides that every motor carrier shall furnish the department of motor vehicles a list of each altered motor vehicle commonly referred to as a "stretch limousine" designed to carry 9 or more passengers; requires the commissioner of motor vehicles to annually review the bus driver files of each driver employed by a motor vehicle carrier who operates such stretch limousine; makes related provisions.

k. Seat belt use required in taxis and liveries – Chapter 38 of the Laws of 2020
   i.  A9646
   ii. Magnarelli
   iii. 04/17/20 signed
   iv. Amends §§1229-c & 375, Vehicle & Traffic Law (as proposed in S.7134 & A.8990). Provides that a police officer shall only issue a summons for a violation of failure to wear a seatbelt in a taxi or a livery for minors eight years of age or older but under age sixteen to the parent or guardian, if the violation by such person occurs in the presence of such person's parent or guardian and
where such parent or guardian is eighteen years of age or more; relates to safety postings in a taxi or a livery; amends the posting to say "Seatbelts must be available for your use. You must buckle up, it's the law."
; further provides that such notices posted within taxis and liveries subject to registration and licensing by cities having a population of one million or more shall also be provided in the top two designated citywide languages; makes related provisions.

i. Seat belt use generally - Chapter 136 of the Laws of 2020
   i. A6163
   ii. Mosley
   iii. 08/11/20 signed w/ Press Release
   iv. Amends §1229-c, Vehicle & Traffic Law. Provides that no person sixteen years of age or over shall be a passenger in a motor vehicle unless such person is restrained by a safety belt approved by the commissioner of motor vehicles.

m. Increased insurance coverage for passenger carriers – Chapter 59 of the Laws of 2019/ Chapter 408 of the Laws of 2019
   i. S5329-A
   ii. BRESLIN
   iii. 10/23/19 SIGNED
   iv. Amends §370, Vehicle & Traffic Law. Relates to increasing insurance limits for certain for-hire vehicles; includes injury to or destruction of property under such limits.

n. Increased civil penalties - Chapter 59 of the Laws of 2019
   i. S1509-C BUDGET Same as Uni. A 2009-C Budget
   ii. Budget Article VII (Internal # 10 - 2019)
   iii. 04/12/19 SIGNED CHAP.59
   iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); relates to limousine safety; ...increases fees for safety requirement violations...

o. Limousine plate seizure authority after operating violation - Chapter 59 of the Laws of 2019
   i. S1509-C BUDGET Same as Uni. A 2009-C Budget
   ii. Budget Article VII (Internal # 10 - 2019)
   iii. 04/12/19 SIGNED CHAPTER 59
   iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); ...authorizes the commissioner of motor vehicles to direct any police officer to secure possession of the number plates of any
vehicle which fails to meet certain safety requirements and return such plates to the commissioner of motor vehicles...

p. Tampering with Federal Motor Carrier Safety Certification Label - Chapter 59 of the Laws of 2019
   i. S1509-C BUDGET Same as Uni. A 2009-C Budget
   ii. Budget Article VII (Internal # 10 - 2019)
   iii. 04/12/19 SIGNED CHAPTER 59
   iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); ...makes it a misdemeanor to knowingly remove or alter a federal motor vehicle safety standard certification label...

q. Inspection station issuing inspection certificates to vehicles regulated by NYSDOT - Chapter 59 of the Laws of 2019
   i. S1509-C BUDGET Same as Uni. A 2009-C Budget
   ii. Budget Article VII (Internal # 10 - 2019)
   iii. 04/12/19 SIGNED CHAPTER 59
   iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); ...requires the mandatory reporting by inspectors at an official inspection station of motor vehicles which have been altered to add seating beyond that provided by the original manufacturer.

r. Prohibition on registering a vehicle that fails to comply, as demonstrated to the satisfaction with the certification requirements established by 49 C.F.R. Part 567 - Chapter 59 of the Laws of 2019.
   i. S1509-C BUDGET Same as Uni. A 2009-C Budget
   ii. Budget Article VII (Internal # 10 - 2019)
   iii. 04/12/19 SIGNED CHAPTER 59
   iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); ...provides that the commissioner of motor vehicles shall not register any altered motor vehicle that fails to comply with certain certification requirements established by Part 567 of the code of federal regulations...

s. Plate seizure for stretch limousines placed out of service – Chapter 59 of the Laws of 2019
   i. S1509-C BUDGET Same as Uni. A 2009-C Budget
   ii. Budget Article VII (Internal # 10 - 2019)
   iii. 04/12/19 SIGNED CHAPTER 59
   iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); ...authorizes the commissioner of
motor vehicles to direct any police officer to secure possession of the number plates of any vehicle which fails to meet certain safety requirements and return such plates to the commissioner of motor vehicles...

t. Increased civil penalty related to rates - Chapter 59 of the Laws of 2019
  i. S1509-C BUDGET Same as Uni. A 2009-C Budget
  ii. Budget Article VII (Internal # 10 - 2019)
  iii. 04/12/19 SIGNED CHAPTER 59
  iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); ...increases fees for safety requirement violations...

u. Violation of out of service order that leads to death - Chapter 59 - of the Laws of 2019
  i. S1509-C BUDGET Same as Uni. A 2009-C Budget
  ii. Budget Article VII (Internal # 10 - 2019)
  iii. 04/12/19 SIGNED CHAPTER 59
  iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); ...provides that where the operation of any motor vehicle while under suspension results in the serious physical injury or death of any driver, passenger or pedestrian, such operation shall constitute a class E felony...

v. Inspection stations – increased fines and provisions related to refusal to inspect stretch limousines – Chapter 59 of the Laws of 2019
  i. S1509-C BUDGET Same as Uni. A 2009-C Budget
  ii. Budget Article VII (Internal # 10 - 2019)
  iii. 04/12/19 SIGNED CHAPTER 59
  iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); ...requires the mandatory reporting by inspectors at an official inspection station of motor vehicles which have been altered to add seating beyond that provided by the original manufacturer...

w. Increased insurance coverage for passenger carriers – Chapter 59 of the Laws of 2019/ Chapter 408 of the Laws of 2019
  i. S1509-C BUDGET Same as Uni. A 2009-C Budget
  ii. Budget Article VII (Internal # 10 - 2019)
  iii. 04/12/19 SIGNED CHAPTER 59
  iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating
to mandatory electronic filing of tax documents (Part HHH); relates to limousine safety; increases fees for safety requirement violations; authorizes the commissioner of motor vehicles to direct any police officer to secure possession of the number plates of any vehicle which fails to meet certain safety requirements and return such plates to the commissioner of motor vehicles; provides that where the operation of any motor vehicle while under suspension results in the serious physical injury or death of any driver, passenger or pedestrian, such operation shall constitute a class E felony; makes it a misdemeanor to knowingly remove or alter a federal motor vehicle safety standard certification label; provides that the commissioner of motor vehicles shall not register any altered motor vehicle that fails to comply with certain certification requirements established by Part 567 of the code of federal regulations; requires the mandatory reporting by inspectors at an official inspection station of motor vehicles which have been altered to add seating beyond that provided by the original manufacturer; prohibits any "stretch limousine" having seating for ten or more passengers including the driver, to make a U turn on any public highway or private road open to public motor vehicle traffic.

x. Prohibits U-turns by stretch limousines - Chapter 59 of the Laws of 2019
   i. S1509-C BUDGET Same as Uni. A 2009-C Budget
   ii. Budget Article VII (Internal # 10 - 2019)
   iii. 04/12/19 SIGNED CHAPTER 59
   iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); ...prohibits any "stretch limousine" having seating for ten or more passengers including the driver, to make a U turn on any public highway or private road open to public motor vehicle traffic...

y. Requirements that valid limousine operating authority, inspection information and driver qualifications be displayed to the public – Chapter 59 of the Laws of 2019
   i. S1509-C BUDGET Same as Uni. A 2009-C Budget
   ii. Budget Article VII (Internal # 10 - 2019)
   iii. 04/12/19 SIGNED CHAPTER 59
   iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); relates to limousine safety; increases fees for safety requirement violations; authorizes the commissioner of motor vehicles to direct any police officer to secure possession of the number plates of any vehicle which fails to meet certain safety requirements and return such plates to the commissioner of motor vehicles; provides that where the operation of any motor vehicle while under suspension results in the serious physical injury or death of any driver, passenger or pedestrian, such operation shall constitute a class E felony; makes it a misdemeanor to knowingly remove or alter a federal motor vehicle safety standard certification label; provides that the commissioner of motor vehicles shall not register any altered motor vehicle that fails to comply with certain certification
requirements established by Part 567 of the code of federal regulations; requires the mandatory reporting by inspectors at an official inspection station of motor vehicles which have been altered to add seating beyond that provided by the original manufacturer; prohibits any "stretch limousine" having seating for ten or more passengers including the driver, to make a U turn on any public highway or private road open to public motor vehicle traffic.

z. Carrier info on website – Chapter 59 of the Laws of 2019
   i. S1509-C BUDGET Same as Uni. A 2009-C Budget
   ii. Budget Article VII (Internal # 10 - 2019)
   iii. 04/12/19 SIGNED CHAPTER 59
   iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); relates to limousine safety; increases fees for safety requirement violations; authorizes the commissioner of motor vehicles to direct any police officer to secure possession of the number plates of any vehicle which fails to meet certain safety requirements and return such plates to the commissioner of motor vehicles; provides that where the operation of any motor vehicle while under suspension results in the serious physical injury or death of any driver, passenger or pedestrian, such operation shall constitute a class E felony; makes it a misdemeanor to knowingly remove or alter a federal motor vehicle safety standard certification label; provides that the commissioner of motor vehicles shall not register any altered motor vehicle that fails to comply with certain certification requirements established by Part 567 of the code of federal regulations; requires the mandatory reporting by inspectors at an official inspection station of motor vehicles which have been altered to add seating beyond that provided by the original manufacturer; prohibits any "stretch limousine" having seating for ten or more passengers including the driver, to make a U turn on any public highway or private road open to public motor vehicle traffic.

aa. Inspection fee – Chapter 59 of the Laws of 2019
   i. S1509-C BUDGET Same as Uni. A 2009-C Budget
   ii. Budget Article VII (Internal # 10 - 2019)
   iii. 04/12/19 SIGNED CHAPTER 59
   iv. Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year; relates to the effectiveness of provisions relating to mandatory electronic filing of tax documents (Part HHH); relates to limousine safety; increases fees for safety requirement violations; authorizes the commissioner of motor vehicles to direct any police officer to secure possession of the number plates of any vehicle which fails to meet certain safety requirements and return such plates to the commissioner of motor vehicles; provides that where the operation of any motor vehicle while under suspension results in the serious physical injury or death of any driver, passenger or pedestrian, such operation shall constitute a class E felony; makes it a misdemeanor to knowingly remove or alter a federal motor vehicle safety standard certification label; provides that the commissioner of motor
vehicles shall not register any altered motor vehicle that fails to comply with certain certification requirements established by Part 567 of the code of federal regulations; requires the mandatory reporting by inspectors at an official inspection station of motor vehicles which have been altered to add seating beyond that provided by the original manufacturer; prohibits any "stretch limousine" having seating for ten or more passengers including the driver, to make a U turn on any public highway or private road open to public motor vehicle traffic.

VII. Acronyms and Abbreviations

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<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AAA</td>
<td>American Automobile Association</td>
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<td>ALJ</td>
<td>Administrative Law Judge</td>
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<td>ARIDE</td>
<td>Advanced Roadside Impaired Driving Enforcement</td>
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<td>BAC</td>
<td>Blood Alcohol Content</td>
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<td>CDL</td>
<td>Commercial Driver License</td>
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<td>CDLIS</td>
<td>Commercial Driver License Information System</td>
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<td>LENS</td>
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VIII. Detailed Review of Actions and Measures, Findings, Recommendations

a. Coordination Between the Department of Motor Vehicles and the Department of Transportation, Sharing Information, Real Time Traffic and Criminal Convictions Reporting, and Best Uses for a Smartphone Application, Website, or Hotline.

i. Review of statutes, regulations, policies, and procedures in place or in process

The New York State Department of Motor Vehicles (NYS DMV), the New York State Department of Transportation (NYS DOT), the New York State Police (NYSP), and local law enforcement coordinate enforcement activities and share information in overseeing the safe operation and regulatory compliance of stretch limousine operators in NYS.
NYS DMV provides NYS DOT with access to NYS DMV’s record display system, which contains real-time driver license and altered vehicle data. This portal also provides NYS DOT with granular details of the limousine drivers registered in the NYS DMV Bus Driver Certification Program (aka 19-A Program). NYS DOT enforces the bus driver certification program registration requirements roadside and notifies NYS DMV of any violations.

NYS DMV, NYS DOT and NYSP utilize the national Commercial Driver License Information System (CDLIS). CDLIS is a nationwide computer system that enables jurisdictions to ensure that each commercial driver has only one driver’s license and one complete driving record. CDLIS stores identifying information at a central site that points to the motorist State of Record. Detailed driver history stored by each state is available on demand to other states. CDLIS includes all drivers with commercial permits, licenses, and those with convictions that occurred in a commercial motor vehicle (CMV) or while carrying hazardous material. This repository contains detailed information on their conviction record, medical certification, crash history and license status.

NYS DMV and NYS DOT collaborate on an altered limousine data sharing portal containing information on altered vehicles. Vehicles are identified as altered by self-disclosure during registration, by NYS DMV inspection stations reports, through law enforcement, by NYS DOT inspection and enforcement activities, and reports from the public. Applicable Vehicle Identification Numbers (VINs) are then identified as “altered”. An Altered Vehicle Indicator is shown on Common Portal For Access to Search Services (COMPASS) and viewable by NYS DMV, NYS DOT, and law enforcement.

NYS DMV uses data contained in NYS DOT’s regulatory authority and bus inspection database to check registrant data for proper registration, and to identify carriers that require enrollment in the 19-A Program. If fraudulent activity is found, NYS DMV can refer the matter to NYS DOT or internally to the NYS DMV’s Division of Field Investigation (DFI) for further investigation and enforcement.

NYS DOT is developing software that will automate limousine enforcement processes. Data derived from this system will be shared with NYS DMV and NYSP in furtherance of collaborative enforcement programs.

NYS DMV has issued Police Memorandums educating law enforcement on the statutes related to limousines including instituting a tip line. This tip line is designed for police officers to report limousines that are suspected of being non-compliant.

NYSP and NYS DOT roadside inspectors work together on a regular basis. NYSP Troopers utilize their access to national criminal and registration databases to assist NYS DOT inspectors in conducting roadside inspections to assure out of state limousine operations are compliant with
federal standards. Other online enforcement tools allow inspectors to guarantee that limousine operators and drivers are not violating out of service orders. NYS DOT investigators can utilize databases which also contains investigative reports to conduct enforcement activities on poor performers.

Real Time Traffic and Criminal Convictions Reporting

NYS DMV receives and maintains ticket, arrest, and disposition information for traffic violations issued in NYS as well as Driving While Intoxicated (DWI)/Driving While Ability Impaired (DWAI) sanctions issued by criminal courts. Violations of traffic law that occur outside of New York City (NYC) are transmitted by local courts through the Traffic Safety Law Enforcement and Disposition (TSLED) system. Courts upload daily transaction data to the Office of Court Administration (OCA) which NYS DMV retrieves and applies to a driver’s existing record. Violations occurring within NYC are adjudicated by NYS DMV’s Traffic Violations Bureau (TVB). TVB hearings occur daily, and transaction data is applied to the driver’s existing record.

NYS Vehicle and Traffic Law (VTL) 514 relates to certification of convictions from courts. VTL 514(a) requires the certification of convictions within (15) days where the violation was related to homicide or assault arising out of the operation of a motor vehicle, criminally negligent homicide arising out of the operation of a motor vehicle, a felony involving the operation of a commercial motor vehicle, a violation of any provision of VTL (except those related to parking, stopping or standing), or any law, ordinance, rule or regulation made by local authorities in relation to traffic (except those related to parking, stopping or standing).

VTL 514(b) requires the certification of convictions within (96) hours where the violation requires a mandatory suspension or revocation be imposed or has been permissively suspended or revoked by the court. VTL 514(d) requires the certification of convictions within (96) hours where the person convicted is the holder of a Commercial Driver License (CDL) or Commercial License Permit (CLP) issued by another state or has been issued a non-commercial driver license by another state and is convicted of a violation that was committed in a commercial vehicle.

Section §12009(a)(9) of the Commercial Motor Vehicle Safety Act (CMVSA) and §384.225(c)(2) of Title 49 of the Code of Federal Regulations requires that any state who convicts a person that operates a commercial motor vehicle, who has a license issued by any other state, notify the motorists state of record within (10) days of the conviction. Section §30304(c)(2) of Title 49 of the United States Code outlines the requirement for states to create a pointer in the Problem Driver Pointer System no later than (31) days after any adverse action information is received by the jurisdiction regardless of license class. This includes notification of cancels, denials, revocations, or suspensions, as well as serious traffic violations.

Best Uses for a Smartphone Application, Website, or Hotline
NYS DOT, NYS DMV, and NYSP collaborated on the development of a smart phone application that allows roadside enforcement personnel to suspend registrations in real time on limousines found to be operating in violation of the safety regulations. This phone application also allows enforcement personnel to flag VIN numbers of limousines, preventing them from being registered until proof of compliance is furnished.

NYS DOT developed the SafeNY website which contains limousine and passenger carrier safety data along with consumer information. NYS DMV also publishes information on its website about motor carriers that operate stretch limousines.

New York Assembly Bill A.8214B amended §138, Transportation Law to require the NYS DOT and NYS DMV to establish and maintain a toll-free hotline for reporting safety issues about for-hire stretch limousines. NYS DOT and NYS DMV are authorized to investigate reports and consider enforcement actions. In cooperation with NYS DMV, NYS DOT developed the limousine hotline. This hotline serves as a mechanism for consumers to file complaints against limousine operators. Each altered limousine is required to have a sign in the passenger compartment containing information about the hotline (QR code and phone number). A consumer can call the hotline or file a complaint online.

The agencies are using information technology resources available from federal partners and have developed proprietary software to assist in their enforcement efforts. There are no established best practices or national standards for the other topics noted herein codified in regulation or law. There are other agencies at the State and Federal level that have programs and procedures that are useful to emulate. For example, the Federal Motor Carrier Safety Administration’s (FMCSA) Consumer Complaint Database would be a useful platform to study in furtherance of upgrading the Limousine Hotline. FMCSA’s Safety Management System (SMS) web portal would be a useful platform to emulate to upgrade the SafeNY website’s data content and layout.

ii. Finding
Increased inter-agency communication is one of the most important factors the task force has discussed. The task force states that one of the most important points regarding data transmission and inter-agency sharing is the accessibility of information to field-based workers. Information is currently available to field workers, and the Automated Bus Limousine Enforcement project will advance it further.

iii. Recommendation 1
The task force recommends that DMV, DOT, and State Police continue to assess and develop policies to continue to enhance communication.
b. Establishment of Uniform Safety Training Programs for Drivers

i. Review of statutes, regulations, policies, and procedures in place or in-process

All drivers authorized to operate stretch limousines must have at least a Class C license with a Passenger endorsement and must have completed and passed a DMV administered CDL and Passenger endorsement written test. Drivers transporting (11) or more passengers are also subject to Article 19-A requirements which include pre-employment and annual medical certification, biennial knowledge, and behind-the-wheel testing. Carriers are currently assessed during roadside inspections and compliance investigations. On-going training is provided per existing statutes/regulations.

All new commercial drivers seeking a Class A or Class B CDL, a school bus (S), passenger (P), or hazardous materials (H) endorsement for the first time, or upgrading an existing CDL, must successfully complete Entry Level Driver Training (ELDT) offered by a provider on the FMCSA’s Training Provider Registry (TPR), which is maintained by the United States Department of Transportation (USDOT).

This training includes the following sections: Theory Instruction, which includes a standard curriculum including (22) training components covering basic operation, safe operating procedures, advanced operating procedures, vehicle systems and reporting malfunctions and non-driving activities; Behind the Wheel Instruction, which contains standardized exercises on a training range demonstrating basic vehicle control skills and mastery of basic maneuvers and Behind the Wheel Public Road Instruction, which includes standardized driving skills exercises demonstrating proficiency on the public roadways.

NYS DMV regulates driver safety and training programs in NYS including the Point Insurance Reduction Program (PIRP), driving schools and their instructors, pre-licensing courses and their instructors, and driver education programs in conjunction with the State Education Department. References were made to limousine driver training programs instituted in California. These programs include equipping vehicles with additional safety measures, as well as strict travelling restrictions and hours worked by the driver.

ii. Finding
Training programs for drivers could be developed to include identification of safety measures available to consumers in a vehicle pre-trip.

iii. Recommendation 2
The task force recommends that a training program be developed for use by all drivers employed by operators requiring NYS DOT Passenger Operating Authority, including drivers
employed by operators of stretch limousines, to ensure such drivers are trained to conduct a pre-trip safety demonstration on the use of safety features available in a vehicle in case of emergency. Included in the training program should be a demonstration of the tools that exist in the vehicles to break window glass, the location and use of any emergency roof hatches or pop-out windows in the vehicle, as well as the location and proper use of seat belts in the vehicle.

c. Extending Article 19-A of VTL to Drivers of Stretch Limousines

i. Review of statutes, regulations, policies, and procedures in place or in-process

Article 19-A of the Vehicle and Traffic regulates motor carriers that operate buses as defined in section 509 of the Vehicle and Traffic law and Part 6 of the Commissioners regulations including:

- School buses that transport school age children to or from school or school activities (142 of the VTL).
- Vehicles with a seating capacity of 11 or more adult passengers in addition to the driver which are used for the transportation of persons under the age of twenty-one or disabled persons of any age who are mentally or physically disabled to a place of vocational, academic, or religious service including nursery schools, day care centers, and camps.
- Carriers required to obtain approval to operate as a common or contract carrier of passengers by NYSDOT or USDOT.
- Carriers regulated as a bus line by a city that has adopted an ordinance, local-law or charter to regulate or franchise bus line operations pursuant to subdivision four of section eighty of the transportation law.
- Carriers regulated as a van service or other common carrier of passengers by motor vehicles covered under article seven of the transportation law by a city with a population of over one million pursuant to an ordinance or local law adopted pursuant to subdivision five of section eighty of the transportation law; or
- Vehicles operated by a transit authority or municipality and is used to transport persons for hire.

Drivers of these vehicles are subject to pre-employment, annual and biennial safety procedures which demonstrate their ability to safely operate vehicles for these purposes. Procedures include medical certification (pre-employment and biennial), behind the wheel testing (biennial), oral/written testing (biennial), review of abstract/driving record (pre-employment and annual), and defensive driving evaluations (annual).
Chapter 12 of the Laws of 2020 amended 19-A to require additional information from altered motor vehicles aka “stretch limo” carriers. Stretch limousine carriers must provide NYS DMV a list of all stretch limousines designed to carry nine or more (including the driver) passengers that they operate pursuant to operating authority issued by the commissioner of transportation, as well as the VIN and plate numbers. The carrier must also submit a list of all drivers that operate those vehicles as well as their 19-A qualification status (qualified or disqualified). NYS DMV collects this information and verifies the vehicle information against internal records as well as those of NYS DOT. The driver qualification status is verified against NYS DMV’s 19-A records.

Additionally, as part of the Chapter 12 of the Laws of 2020 amendments, the NYS DMV is required to maintain and annually update its public facing website with information regarding carriers that operate stretch limousines requiring operating authority as described above. Information required to be posted on the website includes: the motor carriers name, location, and region of operation, whether the carrier is compliant with 19-A in relation to the operation of altered motor vehicles, the number and nature of violations incurred by non-compliant carriers, and the number of miles traveled within the preceding (12) months. Specific to drivers, the NYS DMV is required to include on its website: the total number of drivers employed, the number holding licenses valid for the operation of altered motor vehicles, the number failing to hold valid licenses for the operation of altered vehicles, and the number of convictions and accidents involving any driver within the preceding (12) months as well as the number of convictions and accidents per 10,000 miles traveled. This information is collected as part of an annual affidavit of compliance requirement. NYS DMV is also tasked with reviewing the files of altered motor vehicle carriers and their drivers every (12) months as opposed to the triennial reviews required of other carrier types.

ii. Finding
Task force members’ discussion revolved around the compliance criteria already in place. The members largely agreed that the Laws and Regulations currently in place are adequate.

iii. Recommendation 3
The task force recommends that no changes be made to existing laws, policies, or regulations pertaining to Article 19-A of VTL – particularly with respect to further extending 19-A provisions to drivers of stretch limousines.

d. Establishing Limit on Allowable Time Frames for Stretch Limousines to be Permitted to Operate within NYS
   i. Review of statutes, regulations, policies, and procedures in place or in-process
      Federal manufacturing and Commercial Motor Vehicle (CMV) laws and regulations do not restrict the age of vehicles that can be operated on the roadway. New York State does not have any age restriction on vehicles allowed to be used for compensated transportation. Information
on the restriction of age of passenger transportation vehicles for compensation was limited but there are states and cities that regulate the age and accumulated mileage of the vehicles that are used in regulated transportation:

- City of Houston (City Code 46-191): Stretch limousines are restricted to being no more than 10 years old.
- State of Pennsylvania (52 Pa. Code § 29.311, 333(d)): Requires regulated passenger vehicles for hire to be no more than 10 years old and specifically vehicles used in limousine service (including smaller stretch limousines) not to have accumulated more than 350,000 miles.

There is no data available related to safety information regarding the restriction of vehicles based on age or accumulated mileage. Inspection performance for roadside inspections (relative to CMVs) and NYS DOT semi-annual bus inspections were evaluated to determine any trends of defects:

1. Roadside CMV Inspections (2019-2021 nationally)
   a. Stretch Limousines have a 12.7 percent out of service rate (more than triple the rate for other for-hire passenger vehicles (4.01 percent))
   b. Average age of vehicles with zero out of service defects – 9.3 years
   c. Average age of vehicles with out of service defects – 11.4 years
   d. Most common defects: Brakes, lack of Operating Authority, Emergency Exits

2. NYS DOT Semi-Annual bus inspections (2015-2021)
   a. Stretch Limousines have a 10.4 percent out of service rate (Nearly triple the rate for other for-hire passenger vehicles (3.2 percent))
   b. Average age of vehicles with no out of service defects – 8.1 years
   c. Average age of vehicles with out of service defects – 9.3 years
   d. Most common defects: Brakes, Exhaust, Battery

ii. Finding

As vehicles are driven and begin to age, components subject to wear become weaker. Preventative maintenance can mitigate mechanical problems as vehicles age or are used, but the cost of upkeeping these vehicles and the occurrence of mechanical problems continues to increase over time. Considering data and other information obtained from Roadside CMV inspections and NYS DOT semi-annual bus inspections, there is a noticeable trend in terms of when CMVs begin to experience mechanical defects. The average age that stretch limousines begin being cited for out of service defects is 9.3 years for NYS DOT semi-annual bus inspections and 11.4 years for roadside CMV inspections.

Task force members commented both in agreement for increased restrictions of age / accumulated mileage for stretch limousines and against this topic. Dissenting comments primarily expressed that the inspection process was the best indicator of when a vehicle can no longer continue to be operated safely. Preventative maintenance can keep vehicles in safe
condition for a long time. There were also concerns with the application of any restriction of age / accumulated mileage to inappropriately restrict antique or historical vehicles or smaller businesses.

iii. Recommendation 4
The task force recommends the adoption of a law that would prohibit the use of stretch limousines in a for-hire capacity after the vehicle reaches ten years of age from the original date of manufacture or accumulates 350,000 miles. Limited exemptions would be allowable upon state agency approval for antique, historical, and personal use vehicles.

e. Review of Federal Laws and Preemption of State Action

i. Summary of Legal Analysis
Pursuant to the Supremacy Clause of the United States Constitution, when State and federal law conflict, federal law displaces, or “preempts” State law (US Constitution, Article VI).

Federal law directs the National Highway Traffic Safety Administration (NHTSA) to promulgate motor vehicle safety standards (see 49 USCS §§ 30101 and 30111). The Federal Motor Vehicle Safety Standards (FMVSS) are set forth under 49 CFR Part 571, Subpart B and are written in terms of minimum safety performance requirements for motor vehicles or items of motor vehicle equipment.

Federal law further provides for the express preemption of motor vehicle safety standards as follows:

When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. 49 USCS § 30103(b)(1).

Accordingly, state motor vehicle safety standards that are not identical to federal standards may be preempted.

In addition, pursuant to the Commerce Clause of the United States Constitution, state attempts to regulate motor vehicle equipment in a manner not identical to federal standards may be held invalid if such state regulations would constitute an unreasonable burden on interstate commerce (US Constitution, Article I, Section 8, Clause 3, giving Congress the power to regulate commerce among the states).
The Federal Infrastructure Investment and Jobs Act of 2021 will further broaden federal preemption through additional federal regulation for stretch limousines. The Act requires USDOT to conduct research into limousine safety and prescribe limousine safety standards, including those related to side impact protection, roof crush resistance, air bag systems, emergency exits, and passenger restraints.

ii. Finding
In accordance with the foregoing, any recommendations for additional State motor vehicle safety standards for stretch limousines may be preempted by federal law or regulation.

f. Increasing the Minimum Age for Drivers to Obtain a License to Operate Stretch Limousines

i. Review of statutes, regulations, policies, and procedures in place or in-process

NYS requires drivers to be at least 18 years of age to hold a CDL and drive a commercial motor vehicle (CMV) within the state (intra-state). Drivers must be at least 21 years of age to drive a CMV across NYS lines (inter-state), carry hazardous materials, or to drive a school bus.

Commercial drivers must meet the medical requirements of the FMCSA and certify that they comply with the federal requirements set forth in 49 CFR 391. They must also disclose any states in which they have been licensed (CDL or non-commercial) in the past 10 years.

Commercial license applicants must pass written exams to obtain a commercial learns permit (CLP), in addition, and must pass a CDL skills test, and successfully perform all required skills listed in 49 CFR 383.113 through 49 CFR 383.123.

ii. Finding
Legislation required the Task Force to consider driver age in its consideration of possible improvements to implement. A presentation on this topic (and others) was provided at the first meeting.

iii. Recommendation 5
The task force recommends that no changes be made to existing laws, policies, or regulations pertaining to minimum age of stretch limousine operators.

g. Installation of Additional Safety Features in Stretch Limousines

i. Review of statutes, regulations, policies, and procedures in place or in-process

Federal manufacturing regulations (49 CFR 571) address overall requirements for structural integrity for vehicles when initially built. 49 CFR 571.214 provides specific manufacturing
requirements addressing side impact protection, but these regulations are primarily applicable to vehicles that have a gross vehicle weight rating (GVWR) of 6000 pounds or less. There are no state laws, regulations, or requirements for additional actions required to provide additional side impact protection, beyond what is required by the federal regulations.

Manufacturers rely upon the federal manufacturing regulations to create the vehicles they build. Some stretch limousine manufacturers may optionally provide additional components to provide increased impact protections, but there is no data available to show how often this is occurring and what benefit this provides.

ii. Finding
Stretch limousines have a large variety of makes/models, and the interiors are highly customized with alternate seating configurations, making the benefits of the standardization of any additional side impact protection elusive. Some stretch limousine manufacturers do have additional side protection equipment that can be installed, but the equipment is not standardized and is proprietary. In addition, stretch limousines are typically heavier vehicles, and all additional installed equipment or components need to be evaluated to ensure the vehicle will not be over the weight capacity, as originally manufactured.

iii. Recommendation 6
The task force recommends stretch limousines subject to the NYS DOT semi-annual inspection be equipped with side anti-intrusion bars.

h. Appropriate Notice or Signage for Customers and Passengers

i. Review of statutes, regulations, policies, and procedures in place or in-process

NYS VTL provides for the posting of consumer safety messaging in limousines. Requirements include the conspicuous display of safety information and data at business locations and within the limousine.

The following documentation is required to be posted within stretch limousines in the passenger compartment. Compliance is verified through the semi-annual and roadside inspection program. Documentation includes website address data and easy look up QR codes so further real-time inquires can be made easily.

1. Inspection History
2. Driver Credentials
3. Operating Authority Permit
4. Consumer Complaint Hotline Information
5. Seatbelt Use
ii. Finding
This topic brought about conversation that relates to ‘Consumer Awareness and Outreach’ (Sect. K). Signage in stretch limousines is a part of the larger need for more consumer awareness. Passengers need to be made aware of the safety messages displayed in limousines by the driver.

iii. Recommendation 7
The task force recommends that limousine drivers be required to point out and explain the required signage in the limousine to passengers as a part of a pre-trip safety demonstration.

i. Feasibility of State-Run Crash Testing for Stretch Limousines

i. Review of statutes, regulations, policies, and procedures in place or in-process

Currently, there are no requirements in law or regulation from either the federal or state level for states to perform crash testing on vehicles. Crash testing is performed by the NHTSA for new passenger cars and SUVs, for models that will be manufactured in larger numbers. Crash testing is also conducted by vehicle manufacturers that produce large numbers of similar model passenger cars and SUVs, in accordance with federal manufacturing requirements 49 CFR 571. In addition, crash testing is also performed by the Insurance Institute of Highway Safety (IIHS), and by private entities related to the industry.

As there are no requirements for state run crash testing, there are no best practices or national standards established for state-run crash testing for stretch limousines.

ii. Finding
Traditionally, the crash testing of vehicles is regulated at the federal level. Stretch limousines are manufactured in smaller numbers and in a large variety of makes/models and therefore, are not typically subject to crash testing, according to federal manufacturing rules and regulations. Due to the variety of the vehicles being built, the value of crash testing a single make/model stretch limousine to obtain data only relative to that make/model build, limits the benefit of the data obtained.

iii. Recommendation 8
The task force considers crash testing to be a federal oversight function and that no state action is required.

j. Impaired Driving
i. Review of statutes, regulations, policies, and procedures in place or in-process

The FMCSA established Blood Alcohol Content (BAC) limit while operating a CMV is 0.04% and 0.08% while operating a non-CMV. All stretch limousine drivers in NYS are now required to hold CDL B or C licenses with Passenger endorsements, the BAC threshold for all stretch limousine drivers is 0.04%. CDL holders are subject to stricter penalties and disqualification standards compared to non-CDL operators. The first conviction of operating a CMV with a BAC of 0.04% or greater or driving under the influence of a controlled substance will result in a one-year license revocation, while a second conviction of either will result in a lifetime revocation.

ii. Finding

The task force discussed that the enforcement of cannabis use is a challenge. The task force noted that federal regulations require employers of CDL drivers to comply with the FMCSA’s Drug and Alcohol Testing Program, and that Federal regulations prohibit the use of Schedule I drugs for any reason, including marijuana/cannabis even for states that have passed medical and recreational cannabis programs.

New York State currently has approximately 400 Drug Recognition Experts (DRE’s), of which one-third are State Troopers. It was noted that all State Troopers are trained in Standard Field Sobriety Tests (SFST) and nearly all are trained in Advanced Roadside Impaired Driver Enforcement (ARIDE). However, becoming a DRE requires substantially more training. Since the passage of the Cannabis Laws in NYS, the Governor’s Traffic Safety Committee (GTSC) has increased the number of DRE classes held annually from (2-3) to (6-8) to increase the number of certified DREs.

iii. Recommendation 9

The task force recommends increasing GTSC funding for DRE training. The task force recommends that no changes be made to existing laws, policies, or regulations pertaining to impaired driving.

k. Consumer Awareness and Outreach

i. Review of statutes, regulations, policies, and procedures in place or in-process

Task Force members discussion on this topic focused on outreach to passengers by limousine operators /drivers regarding safety issues such as enroute emergencies, safety equipment and seatbelt use. The task force members also discussed increasing public awareness of available consumer safety information.
There are no laws or regulations in place at a State or Federal level that address a limousine driver/operator giving instructions to passengers concerning emergency preparedness and proper seat belt use.

The NYS Department of Education has regulations that school bus fleets and districts are required to comply with. The regulations require emergency exit drills on school buses and instruction to pupils on the use of seatbelts.

The Federal Aviation Administration (FAA) regulations address the use and enforcement of seatbelts. The FAA requires airplanes to be equipped with seatbelts and passengers to wear them. The FAA can impose penalties on passengers for failure to use a seatbelt.

The FMCSA has educational outreach materials for the passenger carrier industry that describe a pre-trip passenger best practice educational process.

ii. Finding
Safe Limo NY website (https://webapps.dot.ny.gov/operator-safety-inspection-performance-data) is currently available. Consumers can find information on what to look for when chartering a stretch limousine including the verification of the type of license the driver is carrying (CDL with a P endorsement required), that the company has obtained NYS DOT operating authority, whether the vehicle contains a valid NYS DOT vehicle inspection sticker, whether the company has a current insurance certificate that provides proof of liability insurance, operator safety performance, visual inspection of the vehicle, and whether seat belts are present and functional. In addition to the Safe Limo NY website, consumers may also access inspection records and crash data at the FMCSA’s Safety and Fitness Electronic Records (SAFER) System website (https://safer.fmcsa.dot.gov)

There are no NYS laws, regulations, or requirements for driver instruction of proper seatbelt use and emergency preparedness on altered vehicles.

iii. Recommendation 10
The task force recommends that non-seatbelt use dashboard and/or passenger compartment warning signals should be explored/assessed.

The task force recommends exploring assessing liability to passengers for failing to use seatbelts.

The task force recommends the addition of a pre-trip safety briefing, which educates passengers on the safety features of a vehicle.
The task force recommends the creation of a marketing campaign through traditional and non-traditional media and in partnership with other organizations (such as Automobile Association of America (AAA), Mothers Against Drunk Driving (MADD), WeddingWire, The Knot, Yelp, etc.) to educate consumers about what to look for when chartering a stretch limousine.

The task force recommends requiring any school district that receives state funding to mandate a program on safe proms, which includes what elements to look for when chartering a limousine.

I. Operator/Vehicle Rating System

i. Review of statutes, regulations, policies, and procedures in place or in-process

The Federal Motor Carrier Safety Administration establishes safety fitness standards of all interstate motor carriers of passengers by applying safety ratings.

The Safety Management System (SMS) is another FMCSA rating system. This rating is based on roadside inspection and crash data.

The NYS DOT inspects passenger carrying vehicles in NYS semi-annually. NYS DOT has a performance-based rating system.

The FMCSA safety fitness rating is limited, in that in generally can only be found for interstate registered carriers and is only applied after a comprehensive investigation. These investigations are limited to a small portion of limousine operators that are prioritized for review based on “on the road performance”.

- “Satisfactory” meaning the motor carrier has in place functioning adequate safety management controls
- “Conditional” meaning the motor carrier does not have adequate safety management controls to ensure compliance with safety fitness standards
- “Unsatisfactory” meaning the motor carrier is unfit to operate in interstate commerce

The FMCSA’s SMS provides detailed assessments of motor carriers using behavioral analysis and safety categories (based on roadside inspection and crash data): unsafe driving, crashes, hours of service compliance, vehicle maintenance, controlled substances/alcohol, and driver fitness. This data is also captured for intra-state motor carriers. This system is used by the USDOT and individual states to prioritize carriers for investigation. The data is also available to the public and publicized by the USDOT.

Under the NYS DOT’s rating system, operators are categorized as “Preferred” (operators with an
out-of-service rate of 10% or less) “Acceptable” (operators with an out-of-service rate greater than 10% and less than 25%) or “Unacceptable” (operators with an out-of-service rate of 25% or greater). Data is available to the public on the NYS DOT website and the SafeNY Limo website. NYS DOT also requires operators to display a link to these websites in the passenger compartment of limousines.

ii. Finding
The task force agreed with the concept of a simple rating system for operators/vehicles. The task force stressed that the rating needs to be both understandable to consumers, as well as properly publicized so that consumers are aware this tool exists.

The task force agreed it would be beneficial to incorporate federal inspection and carrier data into the rating system. Ideas were discussed on the inclusion of various metrics such as limousine driver ticket violation records, crash records, federal roadside inspection data, and NYS DOT semi-annual inspection program data.

iii. Recommendation 11
The task force recommends establishing and publicizing a limousine carrier rating system.

m. Restricting Vehicle Registration to QVM/CMC Certified Vehicles

i. Review of statutes, regulations, policies, and procedures in place or in-process

There are currently no federal or state laws or regulations that require stretch limousines to be built to the QVM/CMC manufacturing program standards to operate. All vehicles must comply with the Federal Motor Vehicle Safety Standards (FMVSS) at the time they are manufactured (49 CFR 571).

Two programs, Ford's Qualified Vehicle Modifier (QVM) and Cadillac’s Cadillac Master Coachbuilder (CMC), have been in place for several years. These programs involve a partnership between large chassis manufacturers and final stage manufacturers to provide guidelines on how to alter and build specialized vehicles safely. Both programs are backed by research, engineering, and testing, and require final manufacturers in their programs to meet criteria for both their manufacturing processes, as well as their vehicle builds. Final manufacturers in these programs were restricted to modifying certain make/model chassis and were limited in the length they could stretch their vehicles and the weight capacity of the vehicles. Vehicles manufactured under the QVM and CMC programs were manufactured with a seating capacity of 10 passengers or less, including the driver. The stretch limousine industry identified that limousines manufactured under the QVM, or CMC program were sought after as being safer and more reliable than other stretch limousines.
In the most recent years, both the QVM and CMC programs have sunset. The CMC program is no longer continuing support for stretch limousines. The QVM program has discontinued manufacturing chassis. There are about 100 chassis available within the program.

ii. Finding
With the QVM and CMC programs no longer being active for the manufacture of stretch limousines, efforts to restrict registration to only those vehicles would effectively eliminate any new stretch limousines from being able to be used in New York State.

iii. Recommendation 12
Although task force members supported the concepts of a QVM/CMC type of certification, due to the lack of availability of the certified vehicles, implementation is not practicable. Members agree that the NYS DOT semi-annual inspection program is the critical part of the vehicle compliance/safety process.

n. Developing More Rigorous Stretch Limousine Inspection Procedures

i. Review of statutes, regulations, policies, and procedures in place or in-process
Federal CMV regulations require periodic annual safety inspections or safety inspections authorized by a state agency. In NYS, this requirement is fulfilled for CMVs and other vehicles by either getting a NYS DMV regulated annual inspection or a NYS DOT semi-annual (6-month) safety inspection. NYS DOT semi-annual safety inspections (Bus Inspections) are mandated for vehicles that require NYS DOT Authority (typically those vehicles that have a seating capacity of over 11 or more passengers, including the driver) and other passenger carrying vehicles (school buses, ambulettes, airport vans, etc.).

ii. Finding
The NYS DOT Bus Inspection process includes checking more than 400 different components. Previously, stretch limousines that required NYS DOT Authority and had a seating capacity of 11 or more adults, including the driver, were subject to NYS DOT Bus Inspections, but legislation enacted in February of 2020 changed this requirement to include any stretch limousine that has an adult seating capacity of 9 or more adults, including the driver. Additionally, during the NYS DOT Bus Inspection process, inspectors review maintenance records and check for the proper posting of consumer awareness signage (seatbelt use, driver data, operating authority data, inspection history, and consumer information).

Nationally, there is a wide variety of practices in the safety inspection of limousines and other passenger carrying vehicles. Federal regulations require the vehicle owner/operator to conduct a self-inspection and certify the vehicle meets federal motor carrier safety regulation requirements. Certain vehicles require a third-party inspection annually at a commercial garage.
while others require a certified government employee to conduct the inspection. New York is one of the few states in the nation to require a state-run inspection program. New York is the only state that requires a semi-annual inspection.

iii. Recommendation 13
   The task force recommends requiring window break tools and the enhancement of fire extinguisher requirements currently in regulation.

   The task force recommends requiring driver/passenger partitions to be operable as an emergency exit if other forms of egress are not available such as a roof hatch.

   The task force recommends uploading semi-annual inspection data to FMCSA via the roadside inspection process.

   **o. GPS Tracking of Stretch Limousines Placed Out-of-Service**

   i. Review of statutes, regulations, policies, and procedures in place or in-process
   The Task force examined the idea of equipping Stretch Limousines with a Global Positioning System (GPS) device if they are placed out of service for a critical safety violation. This would prevent operators from using out of service vehicles or provide evidence of operations in violation of the Order. Out of service violations are identified by performing enforcement activities. The NYS DOT requires stretch limousines to be inspected every six months (semi-annually). This inspection covers more than 400 inspection items and is the most rigorous process in the nation. NYS DOT leads the NYS roadside inspection program and partners with NYSP and local police to conduct comprehensive driver and vehicle inspections.

   Inspections may result in a vehicle and/or driver being placed out of service. Out of service means the vehicle cannot be used again until such time as the critical safety item is corrected. If a driver is placed out of service that driver cannot drive again until compliant.

   When a stretch limousine is placed out of service it is towed, impounded, and/or fitted with an immobilization boot. The vehicle is labeled with a prominently displayed Out of Service Notice and a written report is furnished to the driver and limo operator. The registration plates on the vehicle are removed, the registration is suspended, and the vehicle’s VIN is flagged so that the vehicle cannot be registered again without extensive vetting from NYS DMV and NYS DOT. Registration suspensions and VIN flagging are affected utilizing a cell phone application.

   The immobilization boot is generally used when the limo is placed out of service during a semi-annual inspection. The vehicle is generally on the operator’s or a vendor’s property and is not ready to be dispatched nor is it being used on a public roadway. The boot is not removed until
such time as the vehicle defect is corrected. The vehicle cannot be moved while the boot is affixed except by tow truck.

Towing and storage in an impound yard is conducted when a limousine is placed out of service during a roadside inspection. The driver and operator of the vehicle are issued Notices of Violations and/or Uniform Traffic Tickets, Notices of Suspension of Registration, and a Notice of Impoundment. The vehicle is towed to an impound yard and is not released without the expressed consent of NYS DOT. Release occurs after a hearing and compliance with all safety violations occurs. Unauthorized release by the impound facility and operation of an out of service vehicle are subject to penalties of $10,000 and $30,000 respectfully.

Nationally, the FMCSA recently introduced a grant program that offers assistance to states in developing an impound program.

ii. Finding
The Task Force largely agreed that the protocols in place now resolve issues the GPS concept attempted to address.

iii. Recommendation 14
The Task force recommends no further action as comprehensive protocols are in place.

p. Enforcement

i. Review of statutes, regulations, policies, and procedures in place or in-process

There are a variety of statutes and regulation in effect that apply to Stretch Limousines. In 2019 and 2020, various laws were enacted to bolster the state’s safety and enforcement posture as noted in section VIII of this report. The Transportation Law and VTL contain the safety requirements limousine drivers and operators must comply with. The Laws give the agencies authority to issue civil penalties, promulgate regulations, and conduct enforcement activities. The NYSP and local police agencies are the main enforcers of the VTL. Violations of the VTL found by a police officer may result in civil and/or criminal penalties.

There are programs contained within the three agencies that administer safety oversight functions such as driver monitoring under the NYS DMV’s Bus Driver Certification Program. This program requires drivers meet stringent qualification requirements. Drivers are registered within the program and constantly monitored for compliance. Safety assurance is accomplished through auditing and roadside enforcement activities carried out by NYS DOT, NYSP, and local police.
NYS DMV also administers the CDL program and drug/alcohol testing program. New York has one of the most stringent CDL and drug/alcohol testing requirements in the country for limousine drivers. The minimum standards required are beyond those required by federal oversight entities.

NYS DMV’s Division of Field Investigation conducts criminal investigations into the fraudulent activity of drivers, registrants, inspection stations, and other people/entities that the department has oversight.

The Governor’s Traffic Safety Committee (GTSC) is housed within the NYS DMV and issues law enforcement grants and training. GTSC’s activities include training police officers in commercial vehicle enforcement, limousine enforcement, drug recognition, and traffic safety enforcement. GTSC also conducts educational outreach on a variety of public traffic safety topics.

The NYS DOT administers the FMCSA’s Motor Carrier Safety Assistance Program (MCSAP). This program houses safety oversight and enforcement functions such as safety audits, compliance investigations, educational outreach, and roadside inspections. NYS DOT, NYS DMV, and NYSP developed a smart phone application described in section O that enables enforcement personnel to suspend the registration and flag VINs of limousines when critical safety violations are found.

NYS DOT requires limousines to be semi-annually inspected. This inspection includes over 400 inspection items to assure that parts and accessories are in safe working order. This inspection goes beyond federal requirements and has not been duplicated in any other jurisdiction. Most states do not require an inspection program.

NYSP works in cooperation with the NYS DOT in delivering the MCSAP program. Funding from the program goes directly to State Police to conduct roadside enforcement activities. There are thirty-eight local police departments around the State that work within the program as well as various others that support NYS DOT in roadside inspection operations.

Police agencies are the main roadside enforcement mechanism for violations found of the VTL and Transportation Law. However, NYS DOT uses roadside data such as inspection violations to prioritize limousine operations for investigations and enforcement actions.

ii. Finding
The Task Force members engaged on various topics that may help improve the current level of enforcement. Members all agreed that enforcement is important. Legislation that was enacted such as the U-Turn law that disallows stretch limousines from engaging in the maneuver are helpful.
Members agreed that Vehicle Identification Number (VIN) Tag tampering should result in high penalties and there was a consensus with the suggestion that penalties for most violations should be increased.

iii. Recommendation 15
The task force recommends the agencies be directed to increase enforcement activities, specifically focusing on seasons, times, and events which historically see more stretch limousine usage.

The task force recommends an increase in civil and criminal penalties and the expansion of plate seizure and impound authority to larger vehicles.

q. Insurance Requirements

i. Review of statutes, regulations, policies, and procedures in place or in-process
Limousine operators are required to maintain $1.5 million dollars in liability insurance coverage. The FMCSA requires two levels of insurance for interstate limousine operators. $1.5 million dollars in coverage is required for vehicles that seat 15 passengers or less including the driver. $5 million dollars in coverage is required for vehicles that seat 16 or more passengers including the driver.

The NYS Department of Financial Services (NYS DFS) has oversight over the insurance industry. Currently, certain insured parties, such as limousine operators are required to have Supplemental Underinsured Motorist (SUM) coverage.

ii. Finding
Insurance coverage is a compliance item in NYS DOT’s operating authority requirement. Carriers are required to maintain on file with NYS DOT evidence of continuous coverage. The NYS DMV has a similar requirement that revolves around the vehicle registration system and requirements. NYS DFS has oversight over the insurance industry.

iii. Recommendation 16
The task force recommends that the Department of Financial Services be directed to evaluate the appropriateness of statutory minimums for insurance and implore the Department of Financial Services to address industry concerns such as but not limited to the availability of affordable coverage, increasing access to insurance products for stretch limousines, and specific analysis regarding Supplemental Uninsured Motorist (SUM) coverage and any recommended changes to such coverage requirements.
IX. Task Force Meeting Schedule and Public Hearing

a. The task force convened on the following dates:
   i. February 3, 2022
   ii. March 15, 2022
   iii. April 29, 2022
   iv. July 11, 2022
   v. August 4, 2022
   vi. September 16, 2022

b. The task force held a public hearing on June 13, 2022, at the Empire State Plaza from 4pm to 6pm.
   i. Meeting Participants
      1. Task Force Members
      2. David Bastian, Legislative Director for the Limousine, Bus, Taxi Operators of Upstate New York
      3. Kevin Barber, President of the Limousine and Taxi Operators of Upstate New York
      4. Raymond Stanton
   ii. Meeting Minutes/Transcription
   iii. Meeting Minutes/Transcription of Public Oral Submissions

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https://meetny-events.webex.com/webappng/sites/meetny-events/recording/7d4b7d94cd7e103a9f2f7e70f965b24c/playback

35:56 to 39:18

David Bastian: My name is David Bastian. I am the legislative chair on behalf of the Operators of upstate New York. I testified along with other members of our association at the Senate hearing, which was almost three years ago. In which we pointed out from our perspective some of the issues that contributed toward that horrific accident.

One of the issues that we brought up was the lack of communication between DOT, DMV, the inspection services, the inspectors and the motor vehicle communication systems.

Almost three years later, I’d like to bring up some positive information. We as an association have seen positive changes in the way of communication between all the organizations.

One of the first changes that you are aware of was to the MV-82 as people go to register their vehicles. There are more questions on the back in regards to modified vehicles. I can tell you firsthand because I am the automobile administrator. DMV is much more vigilant in asking questions. They are checking mileage. They are checking passenger counts, which was a big issue. They are being vigilant, which I think is a positive to remove some of the bad apples that might try to circumvent the system.

Another thing that had with our association, we had much better communication with the Department of Transportation. We hosted meetings with Marc Berger and his team and with DMV, in which we have had sessions.
where we have all discussed as a board. DOT and DMV have made themselves available to our members to answer any questions pertaining might have about the new laws, rules and changes.

Communication has been far superior to what it was before. Also, in the line of communication between our association and DOT, we had a few situations where there were illegal operators that were driving around in the Buffalo area with businesses without Liberty plates. Fortunately, this time when we have pointed it out to DOT…. There was one particular situation where we pointed out one to DOT and within an hour and a half of us reporting it, the vehicle was impounded and taken off the road.

We also know of situations where members thought they had an exemption letter and just went for a regular inspection just like they had done in the past, and DOT responded immediately. When they did go to the inspection, that means the service station they came to reported it and DOT responded.

Obviously, there is a lot of work to do to make the industry safer. We can all do better. I just want to report we have seen positive changes in the last few years, and I think it’s wonderful that we as an association have a much better relationship with DOT and DMV, and we hope that will continue and get stronger as time goes on to make the industry safer.

39:34- 45:18

Kevin Barber:

Hello, my name is Kevin Barber. I’m a president of Limousine and Taxi operators of Upstate New York.

First off, I’d like to say that our association is dedicated to the safety and protection of the people that are riding in our vehicles, along with the company.

I’d like to take this moment to discuss a problem that is starting to happen right now since some of laws have changed and to focus on insurance in regard to this problem that is starting to happen.

Over the past 5 to 7 years, we have seen several insurance carriers shut down operations in New York State.

Most of these carriers continue to write livery business in neighboring states, but not in NY State any longer.

Some of these are Philadelphia insurance, Five Star, MGMI- these are just some of them.

The limited amount left is becoming a critical issue right now.

National Interstate is now writing very restricted policies for limousine operations and are not writing any new policies for any new operations.

Lancer is very restricted. Whether limousine, bus or not, if you have a plate, it’s down to a 10% cut off, which means only 10% of your plate can be limousine related or they will not write your policy.

RLI has a 100,000-dollar minimum policy, which means if you are a small operator, you won’t be able to afford this type of policy because it will be unattainable for you.
W. F. Clayton says they are writing, but at this point is very limited.

Carolina Casualty, very restricted and have a 20% cut off, which means only 20% of your fleet to be limousines. This is the 1st year they've ever written a policy in NY State.

Under the new qualifications, what is the problem with the new 1 to 5 million dollars? Some requirements have been a major challenge for many of these insurance carriers that were previously not required. Many operators that had to be quoted and put into the assigned risks due to no other carriers being willing or able to offer a quote that has been in the range of 10 to 25,000 dollars per liability, which is completely unattainable for many operators. Some operators have been dropped in midterm when they found out the requirement.

When liberty was liquidated and experienced, many of the operators had lapses in coverage and as it was found, most of them, impossible to locate coverage to the carriers listed. Due to the assigned risk was the only option, which priced several of these operations completely out of business.

One of them in the Buffalo area, which served over 15 years in the industry and was put out of business.

So, the everchanging laws of New York State requirements for insurance companies have caused many to stop writing in New York State or increasing rates at levels that are quite exorbitant.

This is now elevating problems, new and old that want to ensure that the livery vehicle. Such as zero options for insurance coverage.

For new operators, as insurance companies have decided not to write new policies and deem that a risk factor, and don't want to write any options, including some coverage; mandating limited insurance, delivery style vehicles, quantities of 10% to 20% overall fleet size or no coverage, no renewal.

Extremely high rates are another problem for companies.

This has been put in the positions that make it unattainable for commercials carry for hire insurance.

The issues with limited carriers and limited options are detrimental to the industry.

Smaller based companies with mini coaches and stretch limousines that provide for hire are no longer able to operate with the required insurance. This problem is a problem we don't want to lead to another accident, such as the one in Schoharie.

So, what are the solutions? Some of the solutions right now that we suggest are to allow companies to carry 4 to point 5 million in public to be exempt, they have to purchase additional policy for some overage as. They already exceed the threshold by, you know which is about 3,000000, 5, liability at 1.5% for some. This is a more attainable option. They are trying to get some which the insurance companies are just not writing anymore.

Second is to create a panel to work with operators, insurance carriers and state officials to solve the problem presently causing barriers to leave the state and then finally find ways to create affordable options for small operators, so no for-hire ever has to operate without coverage.

We implore you to reach out to the state and the Senate, come up with options for this dysfunctional insurance marketplace and help all parties create an affordable, safe and protected option for 400 companies. Thank you.
Raymond Stanton: I am an antique car collector. Thank you for this opportunity to are speaking to the panel.

We all as antique car collectors believe in safety for limousines for hire. However, there has been a side effect through this situation that I don’t think was brought up thought about in the beginning.

I am a car collector, and I am a member of the professional car society, and it recognizes antique limousines versus flower cars and (inaudible).

The professional car society has approximately 900 members in the continental United States, 80 members that are international from England, Europe and Australia, and there are about 42 members that we know of in New York state.

We know there are vintage limousines out there that are not members of professional cards society. However, I have a 1987 Cadillac limousine that is a stretch. It's a 54-inch stretch.

However, I was forced off the road last year after an attempt to inspection, because my car did not have the 2011 federal DOT labeling that was required starting as1 of 2011.

My car is a 1987. It has all the labeling that was required back in that year of 1987. However, because of the technicality that I did not have the new DOT 49CFR567.7 labeling my car was immediately forced off the road.

Many other vehicles that are pre-2011 are not going to have this labeling. These are vehicles that are low production collectable vehicles. Some of them were only maybe 100 cars made of that year. Okay.

These are cars that had DOT exemptions for cars show only. And we're being forced off the road, and we can't even drive our cards to a car show.

These vehicles may only get 300 miles a year on them. They don't need a DOT inspection. They're not hearing people for hire. These are show car only vehicles. We drive them to car shows and show them and share them as part of history.

In my particular situation, I am the second owner of my car. I personally owned the vehicle for 20 some odd years and have traveled to Virginia, Ohio and Chicago, and also took it to Cadillac Motor Car in Detroit for the 100-year anniversary of Cadillac Motor Car division.

It is the same year as the presidential limousine made for Ronald Reagan, and it's also the same year of 50 some odd limousines that were ordered for the trump hotel chain back in 1987.

I doubt any of those are still surviving. My car only has 36,000 original miles on to it. It is a well-maintained vehicle, and I'm very proud of it. Here is a picture. Hopefully, you can see it. Okay?

My car is only stretched 54 inches. It is a formal limousine. It has a glass and solid petitions between the drive and the rear passengers. It is a form 1, has a bar and a T.V. Each seat has a seat belt, even though it's not used for hire.

It is not the 120-inch stretch limousine that you are most concerned about this being used in New York City. My car, I attempted to get the car re certified to meet this labeling. I had my car weighed. My car weighs only 5,200 pounds, which is well under your 6,000 pounds concern on your limousines.
This 50,200 pound weight of my limousine is exactly the same weight of my 1976 Cadillac Eldorado. The braking systems on a Cadillac are going to be able to handle my car at 5,200 pounds.

Anyone like myself who had a DOT car show exemption always carried your paperwork with them to show proof to any police officer or anybody else that wants to know why the car was on the road.

It was show car only, personal vehicle. All seating in my car has seat belts, but yet I still cannot get my car registered due to a technical labeling law that did not exist in 1987.

Most cars that are for car show have a fire extinguisher in their car just like I do. Okay. We have all the things to have the cars safely on the road.

These cars are part of history. They need to be seen. They should be allowed on the road.

I'm sympathetic with the family that that tragedy never should have happened, but I find the safety argument of all limousines is very amusing, because in 1965 Ralph Nader said a Corvair was unsafe at any speed and should not be on the road.

Here we are 50 years later, and Corvairs are still on the road. They are safe, and they are highly sought after as collectable vehicles. I've ridden in them, and they're very enjoyable vehicles.

But remember the cars themselves are not implements of injury or worse, but it was the poor judgment and neglect of the car owner and driver that failed to maintain the vehicle properly that caused this crisis. Our sympathies are with all the families of this whole tragedy.

However, unfortunately, I'm personally offended that this being an all limos, as we as collectors spent thousands of dollars to keep our vehicles maintained and safe. And we are proud of our vehicles, and we want to share them.

I respectfully ask that the DOT labeling exemption should be grandfathered for pre- 2011 vehicles, and that the collector vehicles should be allowed on the road.

57:36 to 58:15

David Bastian: One of the things I wanted to share and forgot to do it. I am in the automobile industry. I sell vehicles, livery vehicles, all across the country. I just want to let everyone know on the task force some manufacturers like the Ford Motor Company, at this point they don't have any suitable vehicles to build limousines on. As far as going in the future, I don't know of any upcoming vehicles that Ford or any other manufacturer is going to allow for limousines to be built on. I don't think you're going to see many new limousines.

1:09:13 to 1:11:13

Raymond Stanton: I know Gus because we are both limousine owners. What I would like to mention to you is that Gus has a couple of limousines that are Cadillacs, and they are production limousines made by Cadillac Motor Car Division.
These vehicles were made prior to 2011, okay. They were made by Cadillac. They have a special chassis made by Cadillac and he is in the same situation that I am that he has been taken off the road because of certain labeling from DOT was not on the cars.

These are not stretched vehicles. These are factory production limousines made by Cadillac, so unfortunately, your requirement for DOT labeling is taking off factory certified, made by Cadillac motor division, you’re taking these vehicles off the road.

And Gus has spent considerable time proving to DMV which vehicles were made by Cadillac and which were not made by other coach companies, okay, so I think that is the biggest thing that you guys want to get across to your folks.

Unfortunately, he’s having technical difficulties getting connected but I wanted to share that with you on his behalf—that he has factory Cadillac limousines made by Cadillac. Not cut and stretched. They have their own braking systems. They have their own frame and met all commercial standards at the time that the car was manufactured and I just wanted to share that with you.

1:19:49 to 1:24:01

**Kevin Barber:**

So, when I was talking about the supplemental insurance, I think everybody knows it’s the supplemental on the insured motorist’s coverage.

One of the reasons I think I explained why a lot of them are not insured. We have been talking to a lot of the insurance carriers that are offering insurance in the state and one of the things is, you know, they have a problem trying to insure somebody who they don’t know their loss on because you’re basically insuring the person that will get you.

And not only do you have to have your coverage, which is your $1.5 million liability, but also the supplemental is covering the person who hit you in case they don’t have insurance.

So that being said, that’s why when your insurance is being renewed, a lot of these companies are looking at this and rejecting the options to supplemental insurance, so that’s where it’s putting a big problem in our state.

I’ve been in the business. Aside from being President, I’ve been running a business for over 30 years and this is probably the worst we’ve ever seen insurance options ever. And, you know, looking into the future, it looks pretty bleak.

One of our board members is Mark (name inaudible) who works for (inaudible) who has worked in the risk management business for over 20 years and he alone has said that it is getting close to impossible to write a policy.

Our policies, when we get them written out, are almost written out two weeks before they expire just because they are trying to find them.

So, a lot of these operators, what they’re having to do is trying to find outside coverage somewhere else.
And what has this done? You’re having operators that are not being able to get this insurance and what it has also done is a trickle effect that has also gone on to the sedans, the former ride share operators and the limousine companies which are now running around without the insurance coverage.

This has become rampant; it is on Long Island right now, it is in Upstate New York. Our association, working with the DMV and DOT, this past year, put a company out that was blatantly advertising that they were a company that was for tours, sightseeing, and they had no insurance. Aside from not being sales tax as well, they were trying to fall under a different window.

So, you know, this is happening. We’ve had operators in Buffalo, operators in Long Island. What they’re doing is not being able to have an affordable option, so instead, they’re just using their personal insurance. So what’s going to happen when they get into an accident? People that are injured in this accident are not going to have coverage.

And again, like we said, this is something that is blatant and it is has kind of become a cancer that has happened out of this and I think it is only going to get larger. The Long Island Limousine Association, the NLA are at a loss as trying to figure out how we can stop this.

That’s why we are saying, operating on a panel, to work with the state and the carriers to try to find a solution that will work for everybody, so that everybody is covered and there’s not going to be anybody that isn’t.

That’s one of the things I wanted to bring up to make sure that we all understand that when you only have five options and when technically only three of them are writing in the state, you kind of have a gun to your head when it comes to this.

If you have one loss, maybe two, you could lose your whole business. I have seen people who have been in business for many years, being president, I have seen companies form across the state that I don’t see anymore.

I just implore you again, that this is an item that we should really take seriously when it comes to, you know, modified vehicles, regular vehicles, that we be really aggressive because if not, in two years we are going to have more problems then we have right now. So, thank you.

c. Written Public Submissions

Gustave W. Boucher 6/17/22

New York State Limousine Task Force

Dear, Task Force Members: I had attempted to attend the webinar that was held on 6/13/2022, however due to technical issues on my end, I was only able to listen and not speak. I am appreciative of the efforts made by the session host to assist me in attempting to correct the issue.

I am resident and taxpayer in New York State and have been all my life. I am a member of the Cadillac LaSalle Club in Albany NY, National Member of the Cadillac LaSalle Club and a member of the AUHV. I also have many friends in other car clubs across the country. These car clubs specialize in older collector cars, including ambulances, hearses, flower cars and other altered vehicles. We display our
cars at shows and club events and are NOT involved in any activity where our cars are used for commercial purposes. In fact, we refuse to even loan them as a favor for weddings, etc. My insurance carrier has a written exception for noncoverage for any activity like that. The cars are only driven a few hundred miles a year.

It goes without saying that the horrible limousine crash in Cobleskill that took so many precious lives was a tragedy for the families and loved ones that could have been avoided. Action to prevent such a crash of this kind was needed. Prevention of an unsafe vehicle used commercially or privately must not happen and the organizations I am part of fully supports that action.

Unfortunately, New York State, in an attempt to enact legislation that would stop this from happening, has inadvertently included collector cars as well. As of now, those of us who have cars that have been altered are no longer be able to have them inspected. This is due as a result of us having to get our cars recertified to 2021 Federal standards. We have not found any coach builders that are willing to certify a 1980’s car to a 2021 standard. New York State inspection stations are NOT able to inspect these vehicles unless they have Federal Badging on the inside of the door from the year built by the coach builder. This information would not have yielded seating capacity or GVW. Over the years, these “stickers” have fallen off. In most cases, these cars were built by an older established coach builder that has been acquired and merged with another or just gone out of business.

Two years ago, I obtained New York DOT exemptions for all three of my limousines. I later received a letter that these exemptions are no longer usable for inspections. If DOT can exempt these cars why can’t DMV? Why the reversal?

If we, in the Car Collecting Hobby, are not able use our cars and sell them if we wish, we will suffer a large economic loss in their value. In my personal case, this represents 3 vehicles at a value of over $75,000.00 +. My 1987 Cadillac has 43,000 miles and I purchased it from a family run funeral home in Pennsylvania in in October of 2010. I am the second owner and it has never been used as a hired limousine.

As a taxpayer and a collector car enthusiast, I am asking Legislators to support this bill BUT request an exemption respectfully be made for these historic collector cars. Perhaps it’s as simple as issuing an Historic Plate for Altered Cars.

Thank You for Taking the Time to Read This Letter. Please confirm its receipt via email or fax. Respectfully submitted.

John Stoodley 6/15/2022

Hello,

My name is John Stoodley, I am the President of the Automobilists of the Upper Hudson Valley, Inc. (AUHV). The AUHV was founded in 1950 in Troy, NY, and it is believed to be one of the oldest if not the oldest car club in New York State. The AUHV is a collector car club that requires no ownership of
old cars, just an interest, however most of the members own collectible cars. I am not a limo owner nor am I in the livery business. I have been in this collectible car hobby for 60 years, and enjoy getting together with other enthusiast at local car shows, cruise ins, parades, historical places, picnics, etc. These cars do not register high mileage in a year.

I have been following the task force and have joined 2 webinars. The tragedy in Schoharie should never have happened, and my sympathy goes out to the families who lost loved ones. I believe that the task force will create solutions that will make sure that this tragedy never happens again. One of the reasons may have been communications among NYS Agencies. I understand that this has improved and that the Limo task force moving forward will compile recommendations to the Governor and the Legislators to handle any remaining issues.

Some members of the AUHV who own limos, have had their collectible limos taken off the road due to DOT 49cfr567.7 labeling when they brought their vehicles in for inspection.

I am asking that all car show only limos pre 2011 to be exempt from DOT 49cfr567.7 labeling.

Two additional issues

1. People that use cars for hire, their insurance companies are dropping limos for hire in NYS, or they are assigning the customer to assigned risk pools. Can the Task Force prevent this from creeping over to car show only vehicles, as these higher premiums, are also forcing cars off the road.

2. Many nursing homes who have mini buses, are no longer using them, as they can not find CDL drivers to volunteer or to hire, in addition insurance costs have gone up, nursing homes are finding it hard to now provide transportation to local places of interest such as Proctors theatre and the like for free concerts. This is going to lead to more isolation to seniors even though the Covid crisis is easing. Can the Task Force look into this issue.

Thank you,

John Stoodley

President AUHV

X. Appendix

a. Task Force Member Meeting
   Minutes/Notes/Member Submissions

ii. 2.3.22 Notes

• Ms. DiMonte
  o Application/enforcement of certain laws, specifically, the U-turn law.
  o Concerned limos still making illegal U-turns at the same location where Long Island crash occurred.
o Recommended enhanced communication between State and Long Island enforcement agencies when new laws passed.
o Stated signage incorrect at crash location.
o Recommended State lower Blood Alcohol Content levels.
o Expressed interest in mandating additional protective equipment (e.g., escape hatches, curtain airbags).

- Mr. Cushing
  o Questioned impact new laws having on industry/safety.
o Requested to understand how they are being enforced.
o Requested to work directly with limo operators on how effective.
o Recommended strategic public safety communications plan/developing additional customer information resources.
o Recommended developing a safe limo website.

- Mr. Brown
  o Stated New York has most restrictive limo laws in nation.
o Stated issue is not new laws/enforcement; it is communication between State agencies.
o Questioned value of new laws if there is no enforcement or communication.
o Stated that we had all of the legal authority necessary before crash.
o Stated vehicle age was not an appropriate safety metric.
o Stated Schoharie limo was not QVM; substandard components were used.
o Stated that non-QVM/CMC stretch limos contained inferior components.

- Mr. Stoppelmann
  o Acknowledge that there are substantive/impactful laws in place; but they are hard to enforce if someone intentionally evades oversight.
o Recommended installation of GPS tracking devices on limos that have been placed out-of-service/State seize plates.
o Recommended additional public outreach/awareness of limo safety and what to know before hiring a limo service.
o Recommended exploring new enforcement tools.
o Rejected suggestion that vehicle age was a safety factor.
o Recommended more rigorous inspection criteria.
o Supports idea of a uniform training program.
o Recommended that only stretch limos certified from a Qualified Vehicle Modifier (QVM)/Cadillac Master Coachbuilder (CMC) be register in New York State.
o Recommended community-based outreach/education meetings during prom/wedding season.
o Recommended enhanced oversight/enforcement blites during prom/wedding season.

- Mr. Barton
Requested that Task Force receive copy of Inspector General's investigation into crash.
- State that DOT inspection program is not what it used to be.
- Requested personal contact information for Task Force members.
- Recommended that vehicle alterers submit “blueprint” to check for compliance with Federal Motor Carrier Safety Standards.
- Recommended having all stretch limousine semi-annual inspections be uploaded to FMCSA as Level 7 inspections.

- Mr. Fancher
  - No formal comments at this point in time.

- Ms. McDonald
  - Supports idea of GPS tracking for out-of-service limos.
  - Expressed concern pertaining to who is responsible for regulating the retrofit of limos.
  - Recommended uniform and in-service training for drivers.

- Mr. Driscoll
  - Expressed concern pertaining to who is responsible for developing standards for lengthening chassis.
  - Recommended altering process should be standardized.
  - Recommended developing a stretch limo rating system.

iii. 3.15.22 Notes

- Welcome and opening comments

- Acceptance of minutes from the February 3, 2022, meeting
  - Ms. DiMonte motioned to accept minutes of first meeting. Director Driscoll seconded.
  - Mr. Barton stated that he did not receive updated notes from first meeting.
  - Mr. Epstein confirmed Mr. Barton’s comments were addressed/added.
  - Motion passed unanimously.

- Discussion on Uniform Driver Training
  - Mr. Brown – Limo drivers already required to have CDL licenses and 19a certification. Limousines are already DOT inspected. Schoharie crash company did not comply with existing rules. Compliant carriers assessed during roadside and semi-annual inspection processes.
  - Ms. DiMonte – Recommended that drivers provide vehicle safety information/demonstration to passengers, similar to that of airlines. Also recommended fire extinguishers and partition buttons.
• Discussion on Operator/Vehicle Rating System
  
  o Mr. Driscoll – Approved of concept; reiterated that rating needs to be understandable to the public.
  o Mr. Brown – Supported concept. Acknowledged existing on-line carrier information, however, needs to be marketed properly (How does the public find this info?).
  o Mr. Barton – Expressed concern with current performance-based bus inspection program. He believes it has weakened process. Carriers have knowledge as to when bus inspector will be coming. Performance based inspection program was written by an engineer. Rating means nothing. Carrier is obligated to maintain vehicle safety.
  o Mr. Brown – Supported performance-based inspection program.
  o Mr. Driscoll – Clarified that rating system was independent of the performance base inspection program.
  o Mr. Barton – Agrees with incorporating federal inspection/carrier data in rating system.
  o Ms. McDonald – Supported concept of rating system, however, preferred it be simplified to ‘acceptable’ or ‘not acceptable.’
  o Mr. Driscoll – Supported simplification. Asked if driver ticketing data was available/could be incorporated.
  o Mr. Stoppelmann – Recommended that rating system look at average number of points per driver element.
  o Ms. DiMonte – Supported concept of ‘acceptable’ or ‘not acceptable.’ Requested we incorporate cause of crash history (e.g., distracted, DUI).
  o Mr. Barton – FMCSA requires carriers to keep crash data on their website.

• Discussion on only Authorizing QVM/CMC Stretch Limousines
  
  o Mr. Stoppelmann – Seeking confirmation that proposal would apply to ‘stretch’ limos only.
  o Mr. Brown – Royale limo manufacturing no longer stretching limos to more than 9 passengers. Only doing interior redesigns for cargo vans. Last time a town car was made was 12 years ago. Loves QVM/CMC but no one will stretch anymore. Lincoln MKT & STS were discontinued. MKT now rated as an 8 passenger with driver vehicle which is outside out statute. Proposal may not be realistic.
  o Mr. Stoppelmann – Concurred with Mr. Brown. No longer has 120 inch stretch limos. Moving towards vans with modified interiors. How does state handle existing stretch limos?
  o Mr. Brown – Vehicles must pass DOT inspection.
Ms. McDonald – Stated that if the standard is the QVM/CMC, it gets rid of the chop shops by forcing compliance. If they do not meet these standards, they should be off the road.

Mr. Stoppelmann – Recommended more frequent inspections for existing non-QVM vehicles.

Mr. Barton – Any vehicle that is converted must be certified to meet FMVSS. If anyone wants to sell an existing vehicle, they should submit letter and blueprints and let DOT approve. Also, let manufacturer provide the blueprints to DOT to certify.

Mr. Stoppelmann – Supported requiring the original manufacturers specifications for existing non-conforming vehicles.

Discussion on Vehicle Inspection Criteria

Mr. Brown – Noted that the Schoharie crash vehicle never went through the inspection process, including brake test. Existing criteria is more than sufficient.

Mr. Barton – DMV states that MC300 is required before registration of vehicle. Carrier first needs to get authority.

Discussion on Vehicle Age-Out Proposal

Mr. Brown – Supported conceptually. Limos average less than 15 years. Frames start to bend. An age out may affect small operators, but open to 10–12-year limit.

Mr. Stoppelmann – Concerned about impact on smaller operators. Supports more frequent inspections in lieu of vehicle age out.

Ms. DiMonte – Cutchogue limo was 9 years old at time of crash. Post-crash inspection revealed intrusion bar was insufficient. Deficiency would not have been identified through inspection process. Supported vehicle age out proposal.

Mr. Barton – Recognized that in the northeast, salt deteriorates vehicles at an increased rate. Recommended State pay more attention to the undercarriage to see if the components have been compromised.

Mr. Stoppelmann – Supports balanced consumer safety vs a road worthy, well-maintained vehicle that passes inspection.

Ms. DiMonte – Noted that the Cutchogue crash vehicle did not fall under the more rigorous inspection process. Recommended more comprehensive and frequent inspections for all limos.

Other

Topic of GPS monitoring was pushed to the April meeting agenda. Request to add topic on impaired driving.

iv. 4.29.22 Notes

Welcome and opening comments

Acceptance of minutes from the March 15, 2022, meeting
Discussion on Limousine Age Out

- Mr. Barton had requested this item be added to the agenda, indicating that he felt the item was not sufficiently discussed.
- Mr. Barton – Limousines sit and corrode throughout the winter. Motor Vehicle Inspectors should take a close look at the vehicle’s undercarriage, unibody, frame unit and structural underbody. Can use an ultrasonic device to check for corrosion. This can address concerns of inspectors and scan the interior of these components. There should not be an age out on limousines.
- Mr. Brown – Let’s not get rid of classic limousines. Limousines should have age out though.

Discussion on GPS Tracking

- Supt. Bruen – There are legal search issues at hand. May require a search warrant. Need group of people to look at available products to determine whether what we are looking for even exists. There is a seizure vs search issue at play.
- Mr. Barton – GPS is not necessary. Schoharie crash was an isolated incident. Only a Motor Vehicle Inspector can place an out of service sticker and remove the sticker if the vehicle is sold. Vehicles may be operated by a family member. We do not need additional Regulation. It’s not required and it’s foolish. DOT Commissioner has the right to suspend registration per Sec 140 and 145 of the Law.
- Mr. Brown – No problem with this. 95% of the operators are the good ones and they will not have any concerns with this. The 5% of the bad guys will be opposed. It feels like an added burden by the State. Not really needed.
- Mr. Stoppelmann – Agrees with Mr. Brown. We want to catch those who skirt the rules. This is not needed. How do we catch the criminals?
- Mr. Cushing – If limousine is booted, how do they get boot removed?
- Comm Dominguez – Do we want to move this to a formal recommendation?
- Mr. Stoppelmann – Agrees with Mr. Barton and Mr. Brown. GPS is not necessary. Current protocols accurately protect the public.

Discussion on Bill Summaries

- Mr. Brown – As far as assessing effectiveness, we live in the most regulated State & Country in the world. The limousine industry is over 60% down. Websites and phone numbers are shut down. Difficult to gauge the real shutdown rate. There are a lot of laws here. These laws have hurt the mom and pop businesses. While our company has had no issue complying, others are cut off at the knees. Mom and pops run limos that are 9-18 years old. With weight limits and seatbelts, they could not comply. Laws were passed in Governor’s budget, not as individual laws. Stretch limousines have fallen out of favor with the public. They are fading away.
- Mr. Stoppelmann – If we are looking for safety, there is no control on out of state limousines that come into this State. How do we regulate the older vehicles yet keep them in business?
Ms. DiMonte – Respects opinion on small businesses. Public opinion needs to weigh in. Our crash limousine was not in compliance and was operated by a small business. I disagree. All businesses should have to comply. This is survival of the fittest. If you can’t cut it, then get out.

**Discussion on Protective Safety Equipment/Measures**

- Mr. Barton – When cars are stretched, rear doors are put on and used as exits. Some have a child lock put on. This can be disabled. How do you get out? If there aren’t exits other than the door, I believe that some sun or moon roofs can eject. Similar to an escape hatch.
- Mr. Stoppelmann – Good points. Long stretch windows tilt out and can be used as emergency exits. Also, can use the escape hatch in the roof. Child lock can get tripped, need to look at this. Should look to have fire extinguisher, breakdown kit, metal tool that can shatter glass.
- Mr. Brown – My limousine has a 5th door. Also, an exit up front. QVM/CMC are the standards. Highly recommend using them. There has been crash testing with QVM. Curtain air bags need to be looked at by engineers. This is a federal matter. Manufacturing is at the federal level to address. We have rearview cameras. Mom and Pops may not. How much can be engineered?
- Mr. Stoppelmann – How do we address older limousines? Many items are aftermarket options. How do we make them safe? Cameras are easy to retrofit. Maybe we should skip on retrofit grandfathering. The 5th door is a good option.
- Director Driscoll – Do older vehicles require seatbelts for bench seating?
- Mr. Brown – Yes. Seatbelts must be installed properly and pass the pull test.
- Director Driscoll – There needs to be protection to limit injury.
- Director McDonald – I hear points made by others. It’s disconcerting that vehicle components may not be appropriate. What can be done at the State level to ensure limousines are modified properly? We could ask FMCSA or Congress to look at this.
- Ms. DiMonte – Agrees
- Director Driscoll – Agrees
- Comm Dominguez – Need to clarify what is in existing Regulations vs what is recommended.
- Ms. DiMonte – Our crash vehicle did have seatbelts. Not everyone wears them. We should make the notification of when a person is not wearing their seatbelt required so the driver is aware.
- Mr. Brown – No. The warning device only sounds when the front passenger is not wearing their seatbelt. Not for the people in the back. Lots of people do not wear their belts. They sit on them. It’s a great idea but the public won’t comply.
- Ms. DiMonte – Are drivers responsible if people do not wear their seatbelts?
- Comm Schroeder – Good points. Airlines are a good example to look at.

**Discussion on Interagency Coordination**

- Director McDonald – Most important point with regards to data transmission is accessibility of the information to field-based workers. How accessible is this information to those people?
- Cliff Thomas – Information is already available to field workers and the ABLE project will advance it even further.
- Supt Bruen – Suspend Now application is available to all State Troopers.
• Discussion on Impairment

  o Supt Bruen – 1/3 of DRE’s are Troopers. Would love to increase this number but there is a lot of training required. Every Trooper has enhanced drug interdiction training.
  o Mr. Brown – Where did we want to go with this? Decrease the BAC levels?
  o Supt Bruen – The issue was raised as a general concern.
  o Ms. DiMonte – Cannabis is not allowed?
  o Supt Bruen – Federal law bars the use of cannabis at any level. Must show use and impairment for non-CDL drivers.
  o Mr. Brown – I don’t know how we can go lower than .04?
  o Director McDonald – Are the courts and DA’s aware of the State Laws? Maybe they need to be reinforced?
  o Supt Bruen – DA’s and Courts would not enforce federal cannabis laws. Usage & impairment is enforced.
  o Janet Ho – Traffic stop is a basic VTL conviction. There are federal cannabis rules and drug and alcohol testing requirements that must be complied with.
  o Supt Bruen – DA’s are aware of the issue.

• Discussion on Consumer Awareness & Outreach

  o Comm Dominguez – How do we take these examples and expand upon them?
  o Mr. Stoppelmann – Great examples. How do our customers get exposed to this? What resources would they utilize? We should partner with sites to educate. Maybe billboards?
  o Ms. DiMonte – It’s worth it. Bars and casinos have warnings about drinking and gambling. Wineries are located in rural areas. Billboards, pamphlets at rest stops are a good idea. Advertising is important. Visual is vital. Usage of the internet, advertising at high schools, placing advertising in wineries.
  o Director Driscoll – State programs have been effective. Speaks to our point. We spoke about using a rating system to market to the public.
  o Mr. Stoppelmann – We need a robust website. We do not know if the public knows what to look for. We need to educate people and get their attention. Usage of the “Wedding Wire” and “The Knot” would be a good idea.
  o Director Driscoll – They go hand in hand. It keeps companies compliant. They do not want bad ratings.
  o Director McDonald – People want to go to events and not have to worry. We need young adults to go to websites and get up front knowledge.
  o Mr. Brown – These sites have ratings. We have to educate.
  o Mr. Stoppelmann – Could website be linked to reviews on other sites?
- Comm Dominguez – Touted the Safe Limo NY website. How can we link the existing information and make it more robust?
- Janet Ho – What speaks to people is working with those who have involvement. Partnership is key.

- Discussion on Scheduling of Public Hearing
  - Mr. Barton – There is only the requirement in the Law to schedule one Public Hearing. Scheduling now is highly inappropriate while the IG and FBI investigations are incomplete.
  - Alan Krieger – The Hearing is intended to get input from the public.
  - Mr. Barton – The public needs all of the information.
  - Director McDonald – I strongly agree with getting public input before drafting the report. If not, we may overlook items brought up by the public. Having the Hearing now is necessary and appropriate.
  - Director Driscoll – I second that. It gives us the opportunity to hear from the public.
  - Mr. Brown – The NTSB put out a very detailed report. There is a plethora of information for the public to draw from. Yes, there is a criminal investigation out there, but we are in a good position to move forward with the Public Hearing.
  - Supt Bruen – The FBI investigation is an internal review. The results of which may never be made public due to national security interests.

- Meeting adjourned

v. 7.11.22 Notes
- Welcome by NYSDOT Commissioner Dominguez
- Discussion on Report Timing and Format
  - Commissioner Dominguez – the final report needs to be completed by October 1, which means we’ll need a solid draft by September 1. State agencies could put together a draft for task force members to review, or task force members could take a first stab. If task force members draft, that draft would be due for review August 21.
  - Mr. Barton – could members provide individual thoughts (by August 1), then agencies could put together a draft, followed by review by task force members?
  - Mr. Brown – Task force members should have access to the public hearing transcript before drafting the report.
  - Commissioner Dominguez – minutes from all meetings and hearing transcript will be distributed by Ms. Breen.
  - Mr. Stoppelmann – Proposes members set up framework, then send to agencies for drafting. Suggests one week to get their thoughts to agencies – due by July 18.
  - Mr. Brown – will be on vacation for a week, needs additional time.
  - Mr. Stoppelmann – suggests two weeks for task force members to get their initial thoughts to the agencies.
o Commissioner Dominguez – July 25 deadline for initial thoughts from task force members. Should agencies put together report topics?
o Mr. Stoppelmann – Yes, and members can fill in and add subtopics.
o Commissioner Dominguez – suggests meeting to discuss what was submitted by task force members.
o All – agree a meeting should be held.
o Commissioner Dominguez – we’ll put together a meeting to discuss report format and content. Task force members can copy each other when submitting initial ideas, or Ms. Breen can compile and send to members.
o Mr. Barton – Ms. Breen should compile.
o Commissioner Dominguez – reconfirms Ms. Breen will send the public hearing transcript and all meeting minutes, along with a Doodle poll for meeting availability.

vi. 9.16.22 Notes

Commissioner Schroeder – Welcoming remarks

Director McDonald – How are we handling section that have no current recommendations? Are we voting?

Commissioner Schroeder – We will discuss as a group.

Mr. Barton – read a statement where he expressed that in his opinion the work of the task force is incomplete without the IG report. Accused co-chairs of not conducting a comprehensive investigation. Stated there is not enforcement in location that require it, i.e. Cutchogue. Stated good companies are being punished by enacted legislation. Stated Section 144 of the Transportation Law should be repealed and that the suspension and seizing of limousine registrations has been unnecessary. Stated he does not want his name attached to the report.

Mr. Brown – Questioned how the report is going to be finalized and submitted within 15 days. States we need more time, approximately 30-60 days.

Commissioner Schroeder – Stated we cannot extend the deadline of the report. The timeline is very doable.

Mr. Cushing – States that all Schoharie crash family members believe the IG report is missing from the TF final report. States families feel as if they have been pushed aside. NTSB report says State agencies share responsibility in the crash. States we need all the facts. States he is happy to vote on what we have so far but more time is needed.

Commissioner Schroeder – States that all of the TF members have access to State leadership. Once the report is out, we can address it at that time.

Facilitator Jennifer Amstutz reviewed today’s agenda and began discussion on each of the 16 recommendations.

Rec #1 – Coordination between State Agencies

Mr. Brown – Stated we do not know the details of how the agencies communicate with each other. This is a first and foremost issue. Stated crash would not have happened if there was better communication between the agencies. Stated he does not know how to make a specific recommendation on this topic.
Commissioner Schroeder – Stated the Legislature enacted legislation directing the agencies to do specific tasks to enhance communication and that has been accomplished.

Mr. Brown – States we should rephrase statement of “Not expressing prospective recommendations”

Director McDonald – States a significant amount of work required by legislation by all three agencies has happened. Agencies should continue to assess and develop policies to continue to enhance communication.

Rec #2 – Establishment of Uniform Safety Training Program for Drivers

Mr. Brown – Asked how is this different from current requirements under 19A? Stated any limo driver requirements should be in sync with 19A requirements. Stated we should keep things uniform.

ASCOM Ho – Stated recommendation was drafted based on comments received at meetings where it was stated that we would require instruction of limo drivers as part of a pre trip safety inspection.

Mr. Stoppelmann – Agrees with Mr. Brown. Recommended the idea of mimicking an airline safety demonstration. Stated this should apply to all passenger carrying vehicles, not just limos.

Rec #3 – Extending Article 19A of VTL to stretch limo drivers

Mr. Brown – Stated any standards we apply to limo drivers should be the same as any other passenger carrying vehicle driver.

Director McDonald – Agrees with Mr. Brown in that requirements should be consistent across the board.

Rec #4 – Age out requirement

No additional comments

Review of Federal Laws and Preemption of State action

No recommendation on this topic.

Mr. Brown – Acknowledged and agreed.

Rec #5 – Increasing Minimum Age of Drivers

Mr. Brown – Stated age requirements should be the same as any other 19A driver. Limo drivers should be on the same playing field as all 19A drivers.

Rec #6 – Additional Safety Features on Stretch Limousines

Mr. Brown – Stated any additional features should be on new vehicles only.

Mrs. Dimonte – Stated that it’s probably difficult to impose additional features on all vehicles, however, if vehicles cannot comply, they should not be on the road.

Mr. Brown – Stated some limousines have features already such as anti-intrusion bars. For other vehicles, you would have to rip them apart to install the features. If it has to be for all vehicles then so be it.
Rec # 7 – Appropriate Notice and Signage for Customers and Passengers
No additional comments

Rec # 8 – Feasibility of a State run crash testing program
Director McDonald – Stated it’s difficult to say yes or no to this without agency perspective.
Mr. Brown – Stated this should remain at the federal level with NHTSA.

Rec # 9 – Impaired Driving
Mr. Brown – Asked why are we re-inventing the wheel here? Stated we should keep things the way they are.

Rec # 10 – Consumer Awareness and Outreach
Mr. Brown – Stated he loves what we have as far as recommendations on this topic.

Rec # 11 – Operator/Vehicle Rating System
No additional comments

Rec # 12 – Restricting Vehicle Registration to QVM/CMC Certified Vehicles
Mr. Brown – Stated these types of limousines are not being built anymore. MKT chassis are not being made. Because of weight limits, cars are not being stretched the way they used to. Asked if we can elevate this to the federal level? Stated he would refer this to the feds. Stated limousines still have to pass DOT inspection.
Mr. Stoppelmann – Agrees with Mr. Brown. States there are no more MKT chassis being made.
ASCOM Ho – Stated all stretched limousines have to go through DOT inspection.
Mr. Stoppelmann – Stated the criteria for DOT inspection of limousines is different than other passenger vehicles.
Commissioner Schroeder – Stated we should table this for further discussion.

Rec # 13 – Developing More Rigorous Stretch Limousine Inspection Procedures
Mr. Stoppelmann – In the context of discussing the recommendation regarding using a driver/passenger compartment partition as an emergency exit, stated that he doesn’t know if partitions are spec’d out for this type of use.
Mr. Brown – Stated the partitions are very small.
Mr. Stoppelmann – Stated he was unsure as to whether partitions could be used as emergency exits. They are usually used for privacy. Because there is no standard size, they could not be used as an exit. If partitions could be used as an emergency exit it would be great to have and could be used in lieu of a roof hatch.
Mr. Brown – Agrees
Director McDonald – Agrees
Rec # 14 – GPS Tracking of Stretch Limousines Placed OOS

No additional comments

Rec # 15 – Enforcement

No additional comments

Rec # 16 – Insurance Requirements

Mr. Brown – Asked what does it mean to engage the Department of Financial Services?

ASCOM Ho – Stated this was based off of various recommendations received from industry regarding Sum coverage insurance.

Mr. Brown – Stated he is required to carry Sum coverage insurance to cover uninsured motorists. Stated he has $5 million dollars in insurance so why should he have to pay for additional coverage?

Mr. Stoppelmann – Stated no one wants to insure in New York so companies are being covered through this Sum coverage. Stated we should talk to legislators about this as this is an industry wide concern.

Director McDonald – Asked if recommendation can be elaborated on to say “Can legislature and Department of Financial Services evaluate the amount of coverage required to maintain safety as well as address industry issues”?

Mr. Barton – Stated that supplemental coverage is unnecessary. Stated that intrastate carriers should have the same insurance requirements as interstate carriers.

Facilitator Jennifer Amstutz stated we had completed review of all recommendations.

Commissioner Schroeder – Closing comments

Mr. Barton and Brown both reiterated their opinion that there should be an extension of the report deadline to allow for the IG report to be included.

Commissioner Schroeder reiterated the deadline cannot be extended without legislation and they we must continue to move forward and meet our statutory obligations.

b. Task Force Member Written Submissions

David J. Brown – Premiere Transportation

1. Seatbelt requirements in limousines - Chapter 10 of the New NYS Laws 2020 – My recommendation is- we keep these laws in place and continue with the current enforcement and roadside inspections by Police and NYSDOT. It is also very important that NYS DMV confirms compliance via registration that vehicles are properly equipped.
2. **Immobilization/ Impoundment of defective limousines** – Chapter 9 of the New NYS Laws 2020 - I agree with this legislation but clarification needs to be specified. What constitutes a vehicle being immobilized or impounded? This is certainly a procedure that should be looked at very seriously. What are the standards that are in place right now? We don’t want this to have a profound impact on the legitimate operators that are trying to abide by the law.

3. **Increased penalties for illegal U-turns by stretch limousines** – Chapter 4 of the New NYS laws 2020- I am in full support of this law. Enforcement of this is key.

4. **GPS Requirements for stretch limousines** – Chapter 11 - of the New NYS Laws 2020 – While the thought is valid I don’t think enforcement is a variable right now. Especially since there is no federal guidelines in place at the current moment.

5. **Customer Service Resources** – Chapter 5 - of the New NYS Laws 2020 – While this law has the best of intentions, it does not seem like it is being utilized to its fullest extent (due to the amount of people calling the “Hot Line”). There needs to be more public awareness brought to this law. Communication to the general public.

6. **Driver License Validation** - Chapter 12 - of the New NYS Laws 2020 – I fully agree with this law.

7. **Stretch limousine safety requirements and the class of license required to operate stretch limousines** - Chapter 6 - of the New NYS Laws 2020 – The drivers of stretch limousines need to have a NYS CDL C or B license with a “P” endorsement. This would be the same requirements as a van or mini-bus driver in NYS.

8. **Limousine task force** – Chapter 3 - of the New NYS Laws 2020 – Great idea – hopefully brings awareness to problems in the stretch limousine industry.

9. **Drug and Alcohol testing** - Chapter 2 - of the New NYS Laws 2020 – This a commonsense law that mirrors both NYS DOT and Federal DOT guidelines. If a person in a 9-passenger van driver has to go thru drug screening/testing, it just makes sense to do it for a larger stretch limousine.

10. **Seat belt use required in taxis and liversies** - Chapter 8 - of the New NYS Laws 2020 – I am in full agreement with this safety law. The problem is getting customers to comply, even though the driver of the vehicle explains the law, customers may not want to do it. The liability must fall on the passenger if warned.

11. **Seat belt use generally** - Chapter 136 - of the New NYS Laws 2020 - I am in full agreement with this safety law also.

12. **Increased civil penalties** - Chapter 59 - of the New NYS Laws 2019 - I am in full agreement with this law.

13. **Limousine plate seizure authority after operating violation** - Chapter 59 - of the New NYS Laws 2019 – I am in disagreement with this law. Why do we hold these drivers to certain standards and requirements that are in accordance with NYS DOT regulations and law and go overboard with the stretch limousine laws? They should
be held to the same standard as a driver in a 25 or 56 passenger motor coach. If a DOT vehicle fail inspection – It gets a “Red Out of Service Sticker” The plates are not removed, and it is allowed to be repaired before it moves again. We need to stay with the laws that are in place now. This law needs to be discussed.

14. **Tampering with Federal Motor Carrier Safety Certification Label - Chapter** 59 - of the New NYS Laws 2019 – I believe this action is a flagrant disregard for the law and is a situation for limousine plate seizure by NYS DOT and NYS Police.

15. **Inspection station issuing inspection certificates to vehicles regulated by NYSDOT -** Chapter 59 - of the New NYS Laws 2019 - I am in full agreement with this law.

16. **Prohibition on registering a vehicle that fails to comply, as demonstrated to the satisfaction with the certification requirements established by 49 C.F.R. Part 567 -** Chapter 59 - of the New NYS Laws 2019 – I am in full agreement with this law.

17. **Plate seizure for stretch limousines placed out of service** – Chapter 59 of the laws of 2019 – I am in full agreement with this law.

18. **Increased civil penalty related to rates** - Chapter 59 - of the New NYS Laws 2019 - I am in full agreement with this law.

19. **Violation of out of service order that leads to death** - Chapter 59 - of the New NYS Laws 2019
   When a limousine is placed out of service, the plates are suspended. If that limousine is then operated and a crash occurs that results in a fatality, the operator would be guilty of a Class E felony. **I am in full agreement with this law.**

20. **Inspection stations - increased fines and provisions related to refusal to inspect stretch limousines** – Chapter 59 of the laws of 2019 - I am in full agreement with this law.

21. **Increased insurance coverage for passenger carriers** – Chapter 59 of the laws of 2019/ Chapter 408 of the laws 2019 – I agree with this law, the old insurance requirements for stretch limousines were not enough. The new mandated $1,500,000.00 is a more agreeable amount.

22. **Prohibits U-turns by stretch limousines** - Chapter 59 of the New NYS laws 2019- I am in full support of this law. Enforcement of this is key.

23. **Requirements that valid limousine operating authority, inspection information and driver qualifications be displayed to the public** – Chapter 59 of the New NYS laws 2019 – I am in disagreement with this law. Why do we hold these drivers to certain standards and requirements that are in accordance with NYS DOT regulations and law and go overboard with the stretch limousine laws. They should be held to the same standard as a driver in a 25 or 56 passenger motor coach. This law needs to be discussed.
24. **Carrier info on website** – Chapter 59 of the New York State laws 2019 – This NYSDOT website is of great use to a certain degree and should be kept. It could use more driver information but it is a great start.

25. **Inspection fee** – Chapter 59 of the New York State laws 2019 - I am in full agreement with this law.

26. **A Potential Vehicle Age Out Requirement/ Sunset period** – I agree with this to a certain extent, where a bus has a rough limit of 10-15 years – A stretch Limousine should also. We must be careful though. With the exception of “Antique or Collector Limo”.

27. **Antique or Collector Limousine Exemption** – An exemption for a NYSDOT inspection should be put in for people or organizations that collect limousine type vehicles. These vehicles would be “Non-Livery” or “For Hire” limousines.

28. **Personal Limousine Exemption** – An exemption for a NYSDOT inspection should be put in for people or organizations that use stretch limousines for private or personal type vehicles. These vehicles would be “Non-Livery” or “Non for Hire” limousines.

29. **Requiring Protective Safety Equipment/Measures (e.g., curtain airbags, intrusion bars)** – As we discussed in prior conversations regarding the QVM and CMC, while mandating safety equipment is a great idea this is a dying industry with barely any limousine manufactures making stretch limousines. The industry has transformed into making limo-vans and limo-buses. I don’t even know how curtain airbags would work with the couch type seating in a perimeter set up. That is for the engineers to figure out. I would be open to safety measures like double intrusions bars in the body of the car. Please don’t forget that intrusion bars and other safety equipment will make the car heavier and this will affect the sway and the breaking system of a car that is cut in half. Like the GPS situation this is more a federal matter with the manufacturing rather than NYS.

30. **Enhancing Interagency Communications** – This by far is the most important factor that we are dealing with. If nothing else doesn’t get done and this must happen. We will have accomplished 90% of our job. Communication needs to be increased – Communication between New York State Agencies. Specifically – NYS DOT, NYS Police and DMV. With better communication (Concerning the Schoharie Accident);

   A. The SUV limo in Schoharie would not have been registered wrong by NYS DMV. It went from being registered as a bus (from the prior owner) to a livery vehicle.

   B. It would not have been inspected at a retail car repair shop (NY VIP2 Inspection System at Mavis Discount Tire), where it received a DMV inspection sticker not a DOT sticker – where it should have been inspected.

   C. If there had been better communication between NYS DOT, NYS DMV and NYS Police Agencies - the plates should have been seized and the limousine taken off the road. Shortly after the accident in Schoharie New
York State quietly seized the plates of 59 unauthorized limousines. These plates were seized before Governor Cuomo’s new laws were going into effect. New York State had the authority to take the plates of the SUV limousine from Prestige Limousine as well as the 59 others that were taken off the road. Again, way before any laws were changed.

D. When Prestige Limousine was convicted of a civil penalty in April 2018(For Failure to appear in front of a NYS DOT Administrative Law Judge) they violated NYS Transportation Law 140 Section 9 and NYS Transportation Law 145 Section 4 and fined $700.00 – New York State had the right there and then to take the plates off that SUV limousine. This was six months before the accident in Schoharie happened.

E. Prestige had a numerous amount of problems before the October 6th, 2018 accident. It should have set off bells and whistles all over the place. This company was all over all these different NYS Departments radar, yet no one reacted till it was too late.

31. The biggest solution here is better communication, closing the loopholes and better enforcement. With Better communications between all these state Agencies – New York State DOT, New York State DMV and the New York State Police – The Tragedy could and should have been avoided. Decreasing the CDL Blood-Alcohol Content - The current blood alcohol content limit in NYS is .08 percent. I believe that is fine for right now. I would not be opposed to it being lower, again I don’t know how much good it may do. The federal law is .08 – to be consistent we need to stay with this. My biggest fear is with the new marijuana laws, I see this as a huge concern to the transportation in general. Driving under the influence with this type of drug needs to be addressed sooner than later, due to NYS being in the early stages of legalizing this drug.

32. An Enhancing Consumer Awareness/Outreach Program - Besides enhancing communication - enhancing consumer awareness to the public is probably the second most important factor out there (Not more laws and regulations). Both the Public and Private sector must be taught about “Buyer Beware” when it comes to stretch limousines. I had a NYS Department of Transportation Active Regional Manager reach out to me and he could not emphasize enough how important this is. This needs to be brought front and center to people’s attention. Have people look at the license plate or the diamond sticker. Whether it is through public / cable television, billboards, the internet or social media (Facebook, Instagram or Twitter). The word needs to get out there. The public needs to be educated.

33. Sum Coverage Insurance Law - On May 2nd, 2019 The NYS Senate had a subcommittee public hearing to address Limousine and Transportation Safety – Mainly to address these issues pertaining to the Schoharie and Long Island Limousine Crash’s. This hearing was chaired by NYS Senator Timothy Kennedy. One of the subjects that was brought up was limousine insurance and how low it was. Since then the minimum coverage for liability was brought up to 1.5 million dollars

“Increased insurance coverage for passenger carriers” – Chapter 59 of the laws of 2019/ Chapter 408 of the laws 2019 – I very strongly agree with this law.
Also, at this meeting was a suggestion by the New York Trial Lawyers Association to put SUM Coverage on all stretch limousines. What this essentially is – It put the burden of more insurance on the owner of the stretch limousine if the person that hit the vehicle is under insured or has no insurance at all.

The Sum Coverage Bill for Stretch Limousines was passed in 2020’s NYS Budget this *** To be noted was not passed as an individual law- but buried deep in the NYS Budget.***

Simply put what this law states is that a Stretch limousine must provide an additional 1.5 million dollars’ worth of sum coverage on top of the minimum of 1.5 million dollar liability coverage. This is regardless of the amount of liability insurance a vehicle may have. For example; if a company has a 5 million dollar policy it still needs the additional 1.5 million in SUM Coverage. This makes no sense and is driving up the insurance rates in New York State. Common sense says if a company has 3 million in liability per stretch limousine, they should not need any SUM Coverage. This law while having good intention has gone way too far and needs to be changed. The whole burden is being placed on the stretch limousine owner and this is having two large scale effects. The first being it driving up insurance rates tremendously. The second being that several insurance carriers are unwilling to provide livery coverage in NYS now. The reason being is that they are providing high liability limits that will respond accordingly if they’re insured is at fault for an accident. The main concern of the insurance carriers is the SUM limit requirement. This requirement doesn’t allow the insurance carriers to defend themselves if another party is found 100% at fault. Being forced to provide a $1.5M limit that can’t be defended is an unreasonable request from NYS. **This law needs to be changed.**

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**Ed Stoppelmann – Red Oak Transportation**

Thank you for the opportunity to participate on the Task Force. Below are my comments for consideration in the final document.

The tragic events in Schoharie in October 2018 and Cutchogue in July 2015 have prompted NY State legislators to enact a comprehensive group of laws that aim to ensure the safety of stretch limousines through increased regulation, enforcement, and penalties (both civil and criminal). These laws, together with existing NYS DOT and DMW regulations, provide a framework which should foster safe, reliable ground transportation to consumers seeking to charter stretched vehicles with passenger capacities that have been increased from the original manufacturer’s specifications.

The laws are extensive, but they are meaningless if they are ignored or levied with impunity; the key to success is interagency communication, enforcement, and consumer education.

**Interagency Communication**
Computer systems and data terminals between DMV, DOT, and law enforcement need to efficiently communicate with each other in real time. Funds need to be allocated to modernize and upgrade these systems so shared information can be used by law enforcement or inspectors in the field to seize license plates, impound vehicle, or arrest individuals who are violating the law.

**Enforcement**

Consider issuing a special license plate for all stretch limousines. It can read “Stretch” or you can use the “Bus” plates. At some point, a large stretch limousine should be plated as a “Bus” and be subject to all of the DOT safety and driver requirements that are imposed on buses. The point is to have something that is different from the NYCTLC, WCTLC, NCTLC, Livery, Taxi plate designations that are on any number of stretched vehicles. If a stretched vehicle was spotted and did not have the proper plate designation, it would be a “red flag” for enforcement and for the consumer that the vehicle is registered illegally and may not be safe.

Law enforcement has the ability to seize license plates of out of service vehicles, but do they have the ability to impound or immobilize vehicles that are operating in violation of State DOT or DMV regulations or NYS law that directly impacts passenger safety. If a stretch vehicle is presented for Inspection at a local IS instead of a DOT facility, and it is reported to law enforcement, and law enforcement is called to the IS, can that vehicle’s plates be seized and/or can the vehicle be impounded?

Consumer removal of an Out of Service sticker = immediate impound, not just plate seizure. Removing the plates does not stop the unscrupulous operator from falsely putting another set of plates on the vehicle and operating it; immobilizing or impounding the vehicle prevents it from being put back into service illegally.

Explore ways to GPS track out of service vehicles so the owner can repair the vehicle in a timely fashion but not use the vehicle for-hire until it passes DOT inspection. We were told there were legal search issues with applying GPS tracking devices to vehicles, but I think it is worth looking into.

**Consumer Education**

Need to rigorously promote the Hotline and Webform that were put in place in Chapter 5 of 2020 Laws.

Pre-trip safety briefing, similar to what is done by flight attendants on airlines.

Creation of a “Check before you Charter” website. It appears we already have the Safe Limo NY website up and running (https://webapps.dot.ny.gov/operator-safety-inspection-performance-data). This website is GREAT, I had never heard about it before our meeting. We need to publicize it better. Maybe make a QR code link and mandate that it be on a sticker on every limo (right rear passenger window) so consumers can scan.

- consumer can find resources on what to look for when chartering a stretch limousine
- CDL licensed driver
- for-hire license plate (versus a regular consumer license plate)
- specifically look for “Stretch” or “Bus” plate if applicable – I hope we can mandate this
- valid DOT inspection sticker in windshield
- # of seats matches seating capacity on registration and sticker on vehicle
- Motor Carrier name and registration on outside of vehicle
- Presence of fire extinguisher, first aid kit, emergency glass breaker tool
- links to sites where Motor Carrier performance scorecard can be viewed – creation of an operator/vehicle rating system and/or link to safer.fmcsa.dot.gov website for company snapshot
- provide link to Hotline and Webform for consumer complaints
- Marketing campaign – partner with MADD, WeddingWire, The Knot, Yelp. Utilize these sites and their reach to educate the consumer on what to look for when chartering a limousine.
- Any school district that receives state funding should be mandated to have a program on safe proms which includes what to look for when chartering a limousine. This could be one class including topics on drug and alcohol use, bullying, limousine charter – all as they pertain to a safe prom experience. All schools, regardless of funding, should do this, but may be able to implement more quickly with state funded schools.

**Additional Thoughts:**

All stretched vehicles should be QVM (Qualified Vehicle Modifier for Ford vehicles), CMC (Cadillac Master Coachbuilder), or certified by the vehicle's original manufacturer to ensure that the stretched/altered vehicle meets or exceeds all safety standards (ie: structural, braking, electrical, ventilation, egress, etc). Will also defer to Mr. Barton's expertise that any converted vehicle must be certified to meet FMV Safety Standards.

I do not believe that vehicles should face a mandatory retirement based on age of the vehicle. These stretched vehicles are rigorously inspected (many private cars would fail a DOT inspection) and if they fail, they should be put out of service pending repairs and re-inspection; if they pass, then they are deemed safe by DOT standards. A mandatory age requirement for retiring stretch vehicles may also adversely impact laws antique and vintage vehicles (ie: Rolls Royce wedding limousines, Checker Cabs, Trolleys, etc).

One common illegal act is for an operator to register a vehicle with a low seating capacity when in fact the vehicle has a much higher seating capacity. This allows the operator to subvert certain liability insurance requirements and possibly
DOT inspections. Stretched vehicles must be labeled by the manufacturer with an accurate assessment of the maximum seating capacity. These laws already exist and seating capacity is determined by allocating a specific number of inches/seat and not the actual number of seats that are installed in the vehicle. The actual number of seats cannot exceed the maximum seating capacity as determined by measurements. If the seating capacity on the registration does not match the rating of the vehicle, there needs to be more serious consequences for the operator.

Disable child lock on all stretch limousines. Balancing safety and ability to egress with a child who may be [unsupervised] in the back seat of a limousine with access to a door. The later scenario should not exist, but the former is a possibility where the child lock is accidentally engaged and passengers cannot exit the vehicle in an emergency.

There are instances where private individuals have their own stretch limousines that are driven by their personal employees. These vehicles are not for-hire and are I believe are not subject to DOT regulations (ie: similar to vans and buses owned by religious organizations that are used solely for the purpose of the organization and not hired out). To help combat the use of privately plated stretch limousines which are not subject to DOT inspection, I would like to recommend a bill be proposed that all such vehicles have the words “NOT FOR-HIRE” in 4” contrasting reflective letters on the right and left lower panel of the front doors of the vehicle. This will be a visual aid for consumers who are chartering the vehicle that it is not properly licensed and may not have the proper safety inspections and insurance in place.

Nancy DiMonte – Victim Family Member
I accept the minutes from our last session

A primary focus remains with the provision of ample safety equipment in vehicles, as well as specific instructions, written and verbal, on how to implement the features in the vehicle into the minds of drivers and passengers. Additionally, cars that do not adhere to strict inspection protocol must be impounded until it passes inspection.

A paramount issue is that of enforcement of the laws. All agencies must keep transparency with respect to communication, and share techniques in the actual enforcement practices. No exceptions or leniency are to be implemented in stopping a vehicle for non-compliance. Furthermore, appropriate fines are to be instituted in accordance with the laws, with no exceptions.

All documents should remain in plain sight for passengers to view. As stated previously, a rating system of “acceptable” or “unacceptable” for vehicle rating system is recommended. Safety protocol is the responsibility of the driver to convey clearly to passengers. Car should not proceed until that is completely understood and demonstrated. Signage should reflect this.

Vehicles should be aged out and prohibited from operating when they reach an age of 10 years. The wear on these vehicles far exceeds that of a typical family vehicle in that time period since many miles are accrued, along with a large, continuous passenger cargo.

An educational campaign is a very effective tool in combatting non-compliance. This would need time and attention when developing the tools. Media is abundant and easily accessible and should be utilized to the fullest to include several PSA spots. The campaign should be year-round, with heavy emphasis depending on seasonal activity. Schools,
community centers, and the like, are places to implement the educational campaign alongside social media and webpages. Age of participants will determine the appropriate method of instruction. However, no one is too young to learn this information.

Drivers must be continuously vetted and sanctioned in accordance if they are in violation of laws. Random drug testing should be at least two times a year for CDL holders. I still believe that the BAC level should be adjusted to reflect a lower number for drivers of for- hire vehicles. Marijuana protocol has yet to be solidified or determined in accordance with the state.

I do understand the dilemma about the insurance coverage and determination for small business operators, but still think that since insurance is the only protection for passengers, it has to be ample. We are all facing higher costs but cannot negotiate, or cannot afford to shave off policies. Unfortunately, if the business is dismantled for lack of coverage, that decision is to be respected. Lack of insurance and can bring countless legal suits to heights otherwise covered by adequate insurance. For tracking and other information, GPS is a good option. It may provide information otherwise overlooked, while confirming information for insurance claims. Additionally, tracking allows for location, and other points of interest to be verified.

As previously mentioned, escape hatches, windows, roofs, and the like, are layers of protection and should be considered a priority in all vehicles and should include a rigorous testing process before inspection. Stretching vehicles is becoming obsolete for reasons of inadequate ways to assimilate these features effectively in a standardized vehicle.

After reviewing the notes from all sessions and the public hearing, I concur with most of the suggestions. However, one issue has concerned me. This task force, which has done a most incredible job in a short amount of time, lost valuable time allotted to us because of the pandemic. I motion to “take the time back” for further evaluation. Clearly, there is more to be done. This was originated for a longer time than what was provided.

**Ron Barton – Retired NYSDOT Inspector**

As, it is my opinion that the work of the task force is far from over. The final report isn’t due for two more months. It appears that New York State agencies involved in the administration of this task force are trying to finish and have the final report out before all essential information is available. Also, the public hearing was rushed before this essential information was submitted. The information I am speaking of was from my very first suggestion submitted and included in the minutes of the first meeting held February 3, 2022 (Requested that Task Force receive copy of Inspector General’s investigation into crash). I therefore cannot approve any of the minutes from the previous meetings.

**Written correspondence from task force member Stoppelmann:**

Hi Carol – my apologies for joining the meeting late today. Please let Commissioner Schroeder know that I respect the process that we are bound to by law for submitting the report by the required date of 10/1/22. He had referenced my name in error while it was Ron Barton who had proposed delaying the report to April 2023. I agree that there is still work to be done, specifically evaluating the findings of the IG report on the Schoharie accident and applying recommendations based on the report to improve passenger safety. I appreciate his willingness to continue our work after the report is submitted as more information becomes available.
Best Regards,

-Ed

**Written correspondence from task force member Barton:**

**STRETCH LIMOUSINE PASSENGER SAFETY TASK FORCE**

**VIRTUAL MEETING HELD, SEPTEMBER 16, 2022, 8:00 AM EST TO 10:00 AM EST**

Please allow me the time to read my prepared statement pertaining to the draft final report of the Stretch Limousine Passenger Safety Task Force.

Chapter 3 of the Laws of 2020, created the “stretch limousine passenger safety task force” hereinafter referred to as the “task force”, to conduct a comprehensive review of matters influencing the safety, adequacy, efficiency, and reliability of stretch limousine transportation of passengers for compensation.

It has been obvious from the very first meeting held on February 3rd of this year, that the co-chairs would not conduct a comprehensive review. This was evident after my request to receive updates from the office of the New York State Inspector General on an investigation that was commenced in mid 2021. My request in that first meeting, was not addressed in the agenda for future meetings. Even without updates and a report from the I.G., there were other important items that were not addressed and discussed.

The most important subject was the investigative reports contained in the Schoharie accident docket of the National Transportation Safety Board. The NTSB findings, substantiated the claims I made to the I.G. in a complaint that I submitted to that office in May of 2019. During my two hour interview with three investigators of the I.G. Office on April 13th of this year, I was informed that this interview was in response of that May 2019 complaint. I, to this day, have not been given a reason why it took approximately three years to even address my claims with a formal interview.

There were other subjects that should be addressed by the task force. They include the following, but are not limited to. First additional area that needed to be addressed to prevent another accident that took place in July 2015 on Long Island. USDOT statistics show a lack of enforcement in an area that could have prevented that accident. This enforcement is required and funded with a grant contained in the Motor Carrier Safety Assistance Program (MCSAP).

Secondly, the passenger transportation industry has suffered greatly from what happened in Schoharie in 2018. The state, immediately punished legitimate company operators, by putting an inspection fee on a very small group of this industry. It should have been discussed repealing New York State Transportation Law 144. With the findings of the NTSB and the New York State Laws in place for decades before the Schoharie accident, that inspection fee should have never even been considered. This unwarranted deflection of blame to the industry was made even more blatant when vehicle registrations were suspended/revoked and license plates were seized from fifty-nine vehicles operated by companies similar to Prestige Limousine. This action took place just a short period of time after the accident in Schoharie.

That being said, it is obvious to me, and I am sure to many others, this task force has not completed the work it was empowered to do. Until, this work is completed, the final report should not even be
considered. And that would include holding another public hearing. An extension of the task force should be enacted, and the work should continue to prevent another passenger carrying commercial vehicle tragedy from happening again.

Finally, The draft final report the co-chairs have presented to the task force in my opinion is grossly incomplete. I request that my name not be included in this current version, or as endorsing such.

Thank you

**Written correspondence from task force member Brown:**

Dear Audrey and Carol, (9/24)

I am okay with 99% of the Stretch Limousine Task Force final Recommendation Report except with paragraph q. Insurance requirements (pages 36 to 37 – please see below). The limousine community as well as organizations LBTOUNY – Limousine Bus Taxi of Upstate New York has tried engaging with The New York State Department of Financial Services many times before. Please see an example of some of the correspondence below with Tanuja from this Organization and the head of LBTOUNY’s Legislative Chair and a Board member Mark Crisafulli. They state they are not able to deal with the SUM Coverage insurance issue and refer us to Senator Berlin’s Office and Assemblyman Cahill’s Office – Since they head the Insurance Committee’s with NYS. The only fix for this dysfunctional insurance market issue is through the creation of new legislation to tackle this issue. It needs to go through the two chairs – Senator Breslin and Assemblyman Cahill.

q. Insurance Requirements

i. Review of statutes, regulations, policies, and procedures in place or in-process Limousine operators are required to maintain $1.5 million dollars in liability insurance coverage. The FMCSA requires two levels of insurance for interstate limousine operators. $1.5 million dollars in coverage is required for vehicles that seat 15 passengers or less including the driver. $5 million dollars in coverage is required for vehicles that seat 16 or more passengers including the driver. The NYS Department of Financial Services (NYS DFS) has oversight over the insurance industry. Currently, certain insured parties, such as limousine operators are required to have Supplemental Underinsured Motorist (SUM) coverage.

The NYS Department of Financial Services (NYS DFS) has oversight over the insurance industry. Currently, certain insured parties, such as limousine operators are required to have Supplemental Underinsured Motorist (SUM) coverage.

ii. Finding Insurance coverage is a compliance item in NYS DOT’s operating authority requirement. Carriers are required to maintain on file with NYS DOT evidence of continuous coverage. The NYS DMV has a similar requirement that revolves around the vehicle registration system and requirements. NYS DFS has oversight over the insurance industry.
iii. Recommendation 16 The task force recommends that the Department of Financial Services be directed to evaluate the amount of coverage required to maintain safety as well as address industry coverage concerns such as but not limited to Supplemental Uninsured Motorist coverage.

Best regards,

David Brown
President

c. **PowerPoint Slide Decks Used in Task Force Meetings**
Stretch Limousine Passenger Safety Task Force

WE ARE NY
Stretch Limousine Passenger Safety Task Force
Virtual Meeting 2
March 15, 2022
2:00 - 4:00 PM

✦ Co-Chair Welcome

✦ Review Recommendations/Suggestions from the February 3, 2022, Task Force Meeting

✦ Approve February 3, 2022, meeting minutes (as amended by members)

✦ Review Specific Recommendations for developing:
  o A Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines
  o An Operator/Vehicle Rating System
  o A process for Restricting Vehicle Registration to QVM/CMC Certified Vehicles,
  o A Potential Vehicle Age Out Requirement
  o Opportunities for Developing More Rigorous Stretch Limousine Inspection procedures,
  o GPS Tracking of Stretch Limousines Placed Out-of-Service

✦ Discuss Next Steps/Review Follow-up Required for Next Meeting
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

- Article 19-A Vehicle and Traffic Law
  - Carriers of school buses or vehicles that have a seating capacity of 11 or more in addition to the driver and which are used to transport persons under 21 or persons with a disability of any age to school, daycare, or religious instruction
  - Companies with vehicles that are required to have NYS DOT or USDOT operating authority as a common carrier or contract carrier
    - City regulated bus lines
    - Regulated van services
    - Transit Authorities
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

Carrier Requirements

- Initial Carrier Requirements
  - Carriers must submit a driver application for each driver that will be transporting for them

- Pre-employment carrier requirements for each driver\(^{(1)}\)
  - Physical exam
  - Abstract of Operating Record
  - Driver application includes previous employment, accident, and conviction information
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

- **Carrier Requirements**
  - Biennial carrier requirements (every two-years) for each driver\(^{(1)}\)
    - Physical exam
    - Behind the Wheel Road Test
    - Oral/Written Test
  - Annual carrier requirements for each driver\(^{(1)}\)
    - Abstract of Operating Record
    - Personal interview to review any crashes and/or convictions not present on Abstract of Operating Record
    - Defensive Driving Observation

\(^{(1)}\) Additional requirements apply for school bus drivers
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

Other Requirements

- Carriers must notify NYS DMV of any driver additions and driver terminations within 10 days of event
- Carriers must maintain driver files for each driver
- Carriers must complete an Annual Affidavit of Compliance
  - Roster verification
  - Miles driven
  - Crashes
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

- Other requirements
  - Carriers must complete a Compliance Record Review with NYS DMV at least once every three years
  - Chapter 12 Laws of 2020
    - Altered Vehicle carriers must file an additional Annual Affidavit of Compliance
    - Information provided by the carrier is posted by NYS DMV on website
    - Altered vehicle carriers are subject to an annual Compliance Record Review
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

- Specific Driver Requirements for Stretch Limousines
  - Operators of stretch limousines in the State are currently subject to licensing and testing requirements
  - Drivers must have a CDL C license with P endorsement and must complete DMV administered CDL testing and P endorsement testing
  - CDL licensing requirements include eligibility, knowledge and skills testing
  - New commercial drivers and those pursuing upgrades are also subject to the FMCSA Entry Level Driver Training (ELDT) requirements
  - Drivers transporting 11 or more passengers are subject to additional Article 19-A requirements which include pre-employment and annual medical certification, criminal background checks, biennial knowledge test and behind-the-wheel training
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

- Commercial Driver Licensing Requirements
  - FMCSA regulations establish base qualification standards for commercial drivers and requirements for state-issued CDL documents:
    - Legal Presence
    - Residency
    - Age
    - Language
    - Medical Examination
    - Knowledge and Skills Testing
    - Disqualifying Violations
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

- Entry Level Driver Training Requirements
  
  - The federal ELDT mandate, effective February 7, 2022, sets new minimum requirements for entry-level driver training by the FMCSA
  
  - This applies to drivers seeking to:
    
    - Obtain a Class A or Class B CDL for the first time;
    - Upgrade an existing Class B CDL to a Class A CDL; or
    - Obtain a school bus (S), passenger (P), or hazardous materials (H) endorsement for the first time
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

- **Entry Level Driver Training Requirements**
  - Drivers attempting to take a CDL skills test or upgrade their endorsement must successfully complete training offered by a provider on the FMCSA Training Provider Registry (TPR).
  - This training includes:
    - **Theory Instruction**: Standard Curriculum includes 22 training components covering basic operation, safe operating procedures, advanced operating procedures, vehicle systems and reporting malfunctions and non-driving activities.
    - **Behind the Wheel Instruction**: Standardized exercises on a training range demonstrating basic vehicle control skills and mastery of basic maneuvers.
    - **Behind the Wheel Public Road Instruction**: Standardized driving skills exercises demonstrating proficiency on the public roadways
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

- Article 19-A Special Requirements
  - Physical exams and any required medical follow-ups
  - Biennial Behind the Wheel Road Test
  - Biennial Oral/Written Test
  - Annual Defensive Driving Observation
  - Annual Abstract of Operating Record
  - Annual interview with employer
  - Motor carriers must review the driving records of their 19-A drivers annually and file an affidavit of 19-A compliance with the DMV no later than July 1 each year. Motor carriers must attest to compliance with the requirements
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

- Oversight of Driver Training
  - DMV regulates driver safety and training programs in NYS
    - Point and Insurance Reduction Program
    - Driving Schools and Instructors
    - Pre-Licensing Course and Instructors
    - Driver Education (in conjunction with the State Education Department)
Uniform Driver Training Program/Extending Bus Driver Requirements to Stretch Limousines

Discussion
Stretch Limousine Passenger Safety Task Force

WE ARE NY
Operator/Vehicle Rating System

Background

- NYSDOT implemented a performance-based inspection/rating system in 2013
- Operators were placed into one of three performance categories based on their annual compliance with State safety requirements
- The semi-annual out-of-service rate is the initial factor used to determine which operators are placed in what categories
Operator/Vehicle Rating System

- **Safety Performance Categories**
  - Preferred – Operators with an OOS rate of less than or equal to 10 percent
  - Acceptable – Operators with an OOS rate greater than 10% and less than 25 percent
  - Unacceptable – Operators with an OOS rate of 25 percent and higher
Operator/Vehicle Rating System

- Operators in the Preferred category alternate between one full inspection and one critical item inspection every 6 months.

- Operators in the Acceptable and Unacceptable categories must undergo a full inspection every six months.
Operator/Vehicle Rating System

- **Status**
  - Information updated daily
Operator/Vehicle Rating System

- Potential Factors for Consideration/Inclusion
  - State semi-annual vehicle inspection data
  - State random roadside inspection and driver compliance data
  - Federal Motor Carrier Safety Administration (FMCSA) Safety Management System (SMS) data
  - State requirements (qualifications/standards) for drivers of certain vehicles (DMV Article 19-A)
  - Crash history data
Operator/Vehicle Rating System

Discussion
Stretch Limousine Passenger Safety Task Force

WE ARE NY
Restricting Vehicle Registration to QVM/CMC Certified Vehicles

Background

- QVM stands for “Qualified Vehicle Modifier”
- The QVM program is run by Ford Motor Company to ensure its vehicles meet safety standards when it is stretched by a coach builder
Restricting Vehicle Registration to QVM/CMC Certified Vehicles

Background

- To qualify as a QVM, the Ford Motor Company certifies coachbuilders against rigorous criteria, including:
  - Engineering
  - Manufacturing process
  - Quality control
  - Ford and Lincoln Divisions guidelines.
Restricting Vehicle Registration to QVM/CMC Certified Vehicles

Background

- Specifically, the QVM Program requires the following from coachbuilders:
  - Compliance with all applicable Federal Motor Vehicle Safety Standards (FMVSS).
  - Conformance with all Ford and Lincoln industry guidelines for vehicle conversions.
  - Annual facility inspection and review and a commitment to continuous improvement.
Restricting Vehicle Registration to QVM/CMC Certified Vehicles

- **Criteria**
  - QVM rules state that only Lincoln Town Cars, Ford Excursions and Lincoln Navigators are approved for conversion into a stretch limousine
  - QVM rules specify that a Town Car can only be stretched 120” or Navigator and Excursion 140”
  - In addition, the maximum passenger capacity for a stretch Town Car under the QVM guidelines is nine plus a driver and the Navigator and Excursion it is fourteen plus a driver
Restricting Vehicle Registration to QVM/CMC Certified Vehicles

- Background
  
  - In industry messaging:
    
    - "If you are planning on renting a limousine, the National Limousine Association (NLA), the QVM-CMC Vehicle Manufacturers Association and Ford Motor Company strongly recommend that you only ride in limousines that are built by manufacturer certified Coachbuilders.”
Restricting Vehicle Registration to QVM/CMC Certified Vehicles

Conversion

- Requirements associated with the QVM program include:
  - Pillar Body reinforcement
  - Side Impact Intrusion Beams
  - Roof Support
  - Driveshaft Length
  - Center Divider Attachment
  - Body Cut Line
  - Door Configuration
  - Framing Fixture
Restricting Vehicle Registration to QVM/CMC Certified Vehicles

❖ Conversion

❖ For both QVM/CMC programs the following upgrades are required to handle increased loads/weight:

- Suspension
- Steering
- Braking Systems
Restricting Vehicle Registration to QVM/CMC Certified Vehicles

- **Background**
  - CMC stands for “Cadillac Master Coachbuilder”
  - The CMC program is administered by Cadillac to ensure its vehicles meet stringent safety and quality standards when it is stretched by a coach builder
  - Cadillac does not provide public information on this program
Restricting Vehicle Registration to QVM/CMC Certified Vehicles

Discussion
Developing More Rigorous Stretched Limousine Inspection Procedures

Background

- As of March 2022, there are 119 vehicles - meeting the criteria for the definition of a stretched limousines - that fall under the jurisdiction of NYSDOT
  - This represents a decrease of approximately 280 vehicles since October 2019
- All of the vehicles meeting this criteria are subject to the current rigorous semi-annual and random roadside inspection program
Developing More Rigorous Stretched Limousine Inspection Procedures

- Inspection Criteria
  - NYSDOT’s inspection program is one of the most robust in the nation
  - Before the physical inspection begins, vehicle inspectors check for the following:
    - Proper Federal Motor Vehicle Safety Standard label
    - Current Operating Authority Permit
    - Current Vehicle Inspection Certificate
    - Current vehicle registration
    - Current insurance certificate
  - Failure to comply with any of these critical items will result in the vehicle being placed out of service (booted/impounded, registration revoked, plates seized)
Developing More Rigorous Stretched Limousine Inspection Procedures

- Inspection Criteria
  - State vehicle inspectors will also verify that the following is conspicuously displayed in the passenger cabin:
    - Inspection History
    - Driver Credentials
    - Valid Operating Authority Permit with an unexpired Inspection Sticker
    - Safety Reporting Hotline Information
    - Seatbelt Signage
Developing More Rigorous Stretched Limousine Inspection Procedures

- Inspection Criteria

  - More than 400 vehicle components/elements are inspected, including:

    | Vehicle Chassis/Suspension | Vehicle Exhaust System |
    |---------------------------|------------------------|
    | Brake Systems             | Seats/Seatbelts        |
    | Steering Systems          | Windshield             |
    | Driver Compartment        | Emergency Exits        |
    | Tires/Wheels              | Engine Compartment     |
    | Fuel System               | Lights/Mirrors         |

  - An inspection sticker is issued only after the component review is completed and the vehicle is determined to be in compliance.
Discussion
Stretch Limousine Passenger Safety Task Force

WE ARE NY
GPS Tracking of Out-of-Service Limousines

- Background
  - Semi-annual or roadside inspection Out of Service violation:
    - Suspend vehicle registration
    - Seize vehicle plates
    - Impound or immobilize vehicle
    - Issue Notice of Violation
GPS Tracking of Out-of-Service Limousines

- **Background**
  
  - Impounded/immobilized vehicles not released to owner until violations have been corrected/verified
  
  - Includes vehicle, insurance, driver, other violations
  
  - Illegal for impoundment yard to release vehicle without expressed authorization from the State
GPS Tracking of Out-of-Service Limousines

- Effectiveness
  - 24 Vehicles have had VIN Blocks – cannot be registered in New York State
  - 51 vehicles have had registrations suspended and VIN Blocks
  - All vehicles have had plates seized and were immobilized or impounded
GPS Tracking of Out-of-Service Limousines

Discussion
Stretch Limousine Age Out

Background

- No State restrictions on vehicle age and/or mileage
- Vehicle must pass a State semi-annual inspection
- Several states/non-New York municipalities have restrictions
  - Pennsylvania – ten years or 350,000 miles
  - Houston, Texas – ten years
Stretch Limousine Age Out

Experience

- National Roadside Inspection Performance (2019-21)
  - Stretch Limousines have a 12.7 percent out-of-service rate
  - More than double the rate for other for-hire passenger vehicles
  - Average age of vehicles with no out-of-service defects – 9.3 years
  - Average age of vehicles with out-of-service defects – 11.4 years

- Primary violation
  - Brakes
  - Operating Authority
  - Emergency Exits
Stretch Limousine Age Out

- Experience
  - New York State Semi Annual Inspection Performance (2015-21)
    - Stretch Limousines have a 10.4 percent out-of-service rate
    - Nearly triple the rate for other for-hire passenger vehicles (3.2 percent)
    - Average age of vehicles with no out-of-service defects – 8.1 years
    - Average age of vehicles with out-of-service defects – 9.3 years
  - Primary violation
    - Brakes
    - Exhaust
    - Battery
Stretch Limousine Age Out

- Extrapolation
  - The out-of-service/inspection failure rate for stretch limousines is significantly higher than other for-hire passenger vehicles
  - There appears to be a correlation between vehicle age and out-of-service/inspection failure rate (~ 9 years)
  - Brake component failure is a common finding during federal and state inspections
Discussion
Stretch Limousine Passenger Safety Task Force

Discuss Next Steps/Review Follow-up Required for Next Meeting
Stretch Limousine Passenger Safety Task Force

- Proposed April Task Force Meeting Agenda Topics
  - Assessing the Effectiveness/Impact of Recently Passed State/Federal Laws
  - Requiring Protective Safety Equipment/Measures (e.g., curtain airbags, intrusion bars)
  - Enhancing Interagency Communications
  - Decreasing the CDL Blood-Alcohol Content
  - Enhancing Consumer Awareness/Outreach Program
Stretch Limousine Passenger Safety Task Force
GPS Tracking of Out-of-Service Limousines

• Background
  o Semi-annual or roadside inspection Out of Service violation:
    ▪ Suspend vehicle registration
    ▪ Seize vehicle plates
    ▪ Impound or immobilize vehicle
    ▪ Issue Notice of Violation
GPS Tracking of Out-of-Service Limousines

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GPS Tracking of Out-of-Service Limousines

Discussion
Stretch Limousine Passenger Safety Task Force

WE ARE NY
Protective Safety Equipment/Measures

• Items to review per Task Force mandate
  • Side Impact Protection (Anti-Intrusion Bars)
  • Roll Over Protection
  • Rear Emergency Exits
  • Rearview Cameras
  • Airbags
  • Carbon Monoxide Detectors
  • Speed Governors
  • Feasibility of a Crash Test Program
Protective Safety Equipment/Measures

- **Side Impact Protection (Anti-Intrusion Bars)**
  - Federal Regulation applies to certain vehicles with a gross vehicle weight rating under 6,000 lbs.
  - Most, if not all, stretched limousines exceed 6,000 lbs.
  - Due to varying seating configurations, there is a degree of difficulty as to where to place the side impact protection.
  - A degree of mitigation does exist and is offered by vehicle modifiers, but it is proprietary to each installer.

- **Rear Emergency Exits**
  - Currently, NYSDOT semi-annual inspection program criteria meets federals standards for passenger cars and buses.
  - FMVSS 571.206 – This standard applies to vehicles with a gross vehicle weight rating of 10,000 lbs or less. It requires rear doors to be automatically locked in order to minimize the likelihood of passengers being ejected from a vehicle as a result of an impact. There is an exception for exits that are used exclusively as emergency exits. This would not apply to a limousine door exit which is not used exclusively as an emergency exit.
Protective Safety Equipment/Measures

- Roll Over Protection
  - Federal Regulation on Ejection Mitigation applies to passenger cars, multi-purpose vehicles and buses with a gross vehicle weight rating under 10,000 lbs. There is an exemption for stretched limousines.
  - Many issues arise when looking to install Ejection Mitigation systems on stretched limousines due to perimeter seating.
- Rearview Cameras
  - Current Federal Regulation requires rearview cameras in vehicles with a gross vehicle weight rating of 10,000 lbs or less, that were manufactured after 5/1/18.
- Airbags
  - Current occupant crash protection measures for stretched limousines include the requirement for a seat belt for every seating position.
Protective Safety Equipment/Measures

• Carbon Monoxide Detectors
  ◦ Currently, Carbon Monoxide Detectors are recommended in aircraft and seacraft. There are many aftermarket options available.

• Speed Governors
  ◦ Many aftermarket Speed Governors are available in today’s market. These feature a wide range of services from preventing speeding to providing commercial GPS routes with height and weight restrictions.

• Crash Test Program
  ◦ There are currently no federal regulations that require a crash test procedure on stretched limousines.
Protective Safety Equipment/Measures

• Items to consider
  o Any safety features that are added to a stretched limousine may mitigate passenger injuries, but at the same time these features add weight to the vehicle. Most stretched limousines are currently at maximum gross vehicle weight rating.
  o All stretched limousines have been modified to carry more passengers, however, the chassis have not been upgraded to handle the additional load (brake system, frames, etc.).
Discussion
Interagency Communications

- Suspend Now Application
- Regular Transmission of Data
- System in Place to Track and Vet All Known Limousines in the State
- Future Vision “The Able Project”
Interagency Communications

Discussion
Impairment

• Current Alcohol Thresholds
  o Minimum blood alcohol content (BAC) thresholds are set by federal regulation, and NYS law aligns.
  o BAC threshold is 0.04 while operating a commercial motor vehicle (CMV), so CDL holders are subject to a higher standard while operating a CMV.
  o BAC is 0.08 while operating a non-commercial motor vehicle.
Impairment

- Federally Mandated Sanctions
  - CDL holders are subject to stricter penalties for impairment-related convictions.
  - The table below shows the minimum revocation period for drivers' commercial driving privilege.

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>First Conviction in a CMV</th>
<th>First Conviction in a Non-CMV</th>
<th>First Conviction in a CMV While Driving Hazardous Materials</th>
<th>Second Conviction in a CMV</th>
<th>Second Conviction in Non-CMV</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Driving under the influence of alcohol, as prescribed by State Law</td>
<td>1 year</td>
<td>1 year</td>
<td>3 years</td>
<td>Life</td>
<td>Life</td>
</tr>
<tr>
<td>(2) Driving under the influence of a controlled substance</td>
<td>1 year</td>
<td>1 year</td>
<td>3 years</td>
<td>Life</td>
<td>Life</td>
</tr>
<tr>
<td>(3) Operating a CMV with a blood alcohol concentration of 0.04 or greater</td>
<td>1 year</td>
<td>N/A</td>
<td>3 years</td>
<td>Life</td>
<td>N/A</td>
</tr>
<tr>
<td>(4) Refusing to take an alcohol test as required by law, as defined in 49 CFR § 383.72</td>
<td>1 year</td>
<td>1 year</td>
<td>3 years</td>
<td>Life</td>
<td>Life</td>
</tr>
</tbody>
</table>
Impairment

- Commercial Driving and Cannabis Use
  - Federal regulations require employers of CDL drivers to comply with FMCSA’s Drug and Alcohol Testing Program.
  - Federal regulations prohibit the use of Schedule I drugs for any reason, including marijuana/cannabis even for states that have passed medical and recreational cannabis programs.
Impairment

- Drug Recognition Expert Program
  - DREs are law enforcement officers who have been trained to detect and identify persons under the influence of drugs and to identify the category and/or categories of drugs causing impairment.
  - NYS currently has 351 certified DREs.
  - Since the passage of the Cannabis Law, the state has doubled the number of DRE classes held each year from 3 to 6 to increase the number of certified DREs.
Impairment

Discussion
Consumer Awareness/Outreach Programs

Drive Sober or Get Pulled Over Campaign

Governor Hochul Announces Impaired Driving Enforcement Campaign During the Holiday Season

Drive Sober or Get Pulled Over Campaign Runs December 17 through January 1

More than 70,000 Vehicle and Traffic Law Violation Tickets Issued During Last Year's Campaign, Including 2,087 Arrests for DWI

B roll and Soundbites of New York’s Drug Recognition Experts Training Can Be Found Here

Governor Kathy Hochul today announced that state and local law enforcement agencies throughout New York State will be increasing operations targeting impaired driving during the holiday season. The high visibility enforcement campaign, a joint effort of New York State Police, the Division of Traffic Enforcement, the Department of Motor Vehicles, and local law enforcement, begins today, January 1. This campaign, part of the statewide “Drive Sober or Get Pulled Over” initiative designed to reduce alcohol and drug-related traffic crashes, is sponsored by STOP-DWI with funding from the Governor’s Traffic Safety Committee (GTSC).

“The holiday season is when families and friends come together to celebrate, and we are committed to making our roads as safe as possible during this time,” Governor Hochul said. “In the past, throughout the holiday season, we’ve lost too many lives. It only takes one decision for someone to get hurt.”

Governor Hochul also announced that New York State Police have issued 2,087 DWI arrests and issued more than 70,000 vehicle and traffic law violation tickets as part of last year’s campaign.
Consumer Awareness/Outreach Programs

Drive Sober or Get Pulled Over Campaign
Consumer Awareness/Outreach Programs
Share the Road Bike/Motorcycle Safety Campaign
Consumer Awareness/Outreach Programs

Share the Road Bike/Motorcycle Safety Campaign
Consumer Awareness/Outreach Programs
Share the Road Bike/Motorcycle Safety Campaign

2018 Share the Road Summit
Glen H. Curtiss Museum
8419 NY 54, Hammondsport NY
10:00AM – 4:00PM

Friday, September 14

Come join the NY Governor’s Traffic Safety Committee for our first-ever summit dedicated to Motorcycle Safety and Awareness!

Registration includes a free, full-day pass to the museum and safety event, lunch, refreshments, access to exciting vendors and speakers, as well as a chance to win special prizes such as a one-night stay at the Hampton Inn Peter Yee or a BRC-2 Skills Practice Course from the Motorcycle Safety Foundation.

This event has limited capacity. Registration is free and required to attend. The Registration deadline is 9/1/2018

Secure your spot and register today!
http://form.jotform.com/Chuckul/ShareTheRoad

Tips for Motorcyclists

- Share the road! - Keep an eye on the cyclists and motorcyclists around you. They may not always be visible.

- Be alert - Watch for cyclists and motorcyclists in your peripheral vision. They may not always be visible.

- Maintain a safe distance - Be aware that motorcyclists are at higher risk for accidents. Keep a safe distance from the vehicle in front of you.

- Use your mirrors - Use your mirrors to see the cyclist or motorcyclist in your blind spot. This will help you be aware of their presence.

- Be patient - Be patient and understanding with motorcyclists. They may not always be visible.

- Share the road - Share the road with motorcyclists and other cyclists. Make sure to allow extra space and time for motorcyclists on the road.

- Be aware - Be aware of your surroundings and the traffic around you. This will help you be aware of motorcyclists and other cyclists on the road.

- Use your turn signals - Use your turn signals to signal your intentions. This will help motorcyclists and other cyclists be aware of your movements.

- Be aware of the road - Be aware of the road conditions. This will help you be aware of any obstacles or hazards on the road.
Discussion
<table>
<thead>
<tr>
<th>Item#</th>
<th>Subject</th>
<th>Chapter Number</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Seatbelt requirements in limousines</td>
<td>Chapter 10 of the Laws of 2020</td>
<td>NYSDOT sent notice to operators and enforces at semi-annual inspections. Police and NYSDOT enforce at roadside inspections. DMV published a P memo and furnished to law enforcement and courts. DMV confirms compliance via the registration application whereby an additional data point was added to confirm vehicles are properly equipped.</td>
</tr>
<tr>
<td>2</td>
<td>Immobilization/impoundment of defective limos</td>
<td>Chapter 9 of the Laws of 2020</td>
<td>NYSDOT has been impounding limos for out of service defects since the effective date of the Law. 52 impoundments and/or immobilization have occurred to date. NYSP and local police have been partners in this enforcement process.</td>
</tr>
<tr>
<td>3</td>
<td>Increased penalties for illegal U-turns by stretch limousines</td>
<td>Chapter 4 of the Laws of 2020</td>
<td>DMV issued a P memo to all police and courts describing the new law.</td>
</tr>
<tr>
<td>4</td>
<td>GPS Requirements for Limos</td>
<td>Chapter 11 of the Laws of 2020</td>
<td>No federal standards have been established. Commercial GPS exists via various manufacturers but no federal standards are in place to regulate the use.</td>
</tr>
<tr>
<td>5</td>
<td>Customer service resources</td>
<td>Chapter 5 of the Laws of 2020</td>
<td>Hotline is established (phone and webform). Notices were placed in all limos. Two complaints received. One complaint from a taxi passenger and one complaint from a non-limo passenger.</td>
</tr>
<tr>
<td>6</td>
<td>Driver license validation</td>
<td>Chapter 12 of the Laws of 2020</td>
<td>Carriers sending DMV data on their stretch limos. DMV intaking driver/vehicle data, vetting against NYSDOT regulated carriers. NYSDOT website updated with DMV resources.</td>
</tr>
<tr>
<td>7</td>
<td>Stretch limousine safety requirements and the class of license required to operate stretch limousines</td>
<td>Chapter 6 of the Laws of 2020</td>
<td>DMV has advised the industry of the CDL change and has made form changes to gather data on stretch limos that seat 9 or more. Database established through which DMV informs NYSDOT of new registrations of limos that seat 9 or more including the driver. NYSDOT then investigates and inspects these vehicles. Limos are blocked from getting a DMV inspection via IT programming. Database developed by DMV is shared with NYSDOT.</td>
</tr>
<tr>
<td>8</td>
<td>Limousine task force</td>
<td>Chapter 3 of the Laws of 2020</td>
<td>Task force has been formed and as of 3/22/2022, has had two public meetings. Meeting #3 is being held on 4/29/22.</td>
</tr>
<tr>
<td>9</td>
<td>Drug and alcohol testing</td>
<td>Chapter 2 of the Laws of 2020</td>
<td>Carriers have been informed of the new law; DMV has created an affidavit carriers must submit annually starting 8/3/2021 certifying drug testing compliance. NYSDOT is working with DMV to coordinate enforcement activities. DMV has the enforcement power. Note that vehicles seating 16 or more passengers including the driver have always been required to comply with federal drug/alcohol testing requirements that FMCSA and NYSDOT enforce.</td>
</tr>
<tr>
<td>10</td>
<td>Seat belt use required in taxis and liveries</td>
<td>Chapter 8 of the Laws of 2020</td>
<td>NYSDOT and Police enforcing. DMV sent out P Memo to Police and Courts. State Police published a Legal Service Bulletin statewide advising all Members of change to law. Seatbelt use signage is required to be in all vehicles.</td>
</tr>
<tr>
<td>12</td>
<td>Increased civil penalties</td>
<td>Chapter 59 of the Laws of 2019</td>
<td>State Police published a Legal Service Bulletin statewide advising all Members of change to law.</td>
</tr>
<tr>
<td>13</td>
<td>Limousine plate seizure authority after operating violation</td>
<td>Chapter 59 of the Laws of 2019</td>
<td>Procedures developed to inform NYSP of registration suspensions on limousine operators. State Police published a Legal Service Bulletin statewide advising all Members of change to law; all Members have received training on license plate seizure authority.</td>
</tr>
<tr>
<td>14</td>
<td>Tampering with Federal Motor Carrier Safety Certification Label</td>
<td>Chapter 59 of the Laws of 2019</td>
<td>State Police published a Legal Service Bulletin statewide advising all Members of change to law. DMV requires proof of label at the registration desk. NYSDOT will not semi-annually inspect an unlabeled vehicle.</td>
</tr>
<tr>
<td>15</td>
<td>Inspection stations issuing inspection certificates to vehicles regulated by NYSDOT</td>
<td>Chapter 59 of the Laws of 2019</td>
<td>Notice to inspection stations sent in October 2019. Stations are required to report presented vehicles for further DMV/DOT vetting.</td>
</tr>
<tr>
<td>16</td>
<td>Prohibition on registering a vehicle that fails to comply, as demonstrated to the satisfaction of the commissioner of DMV, with the certification requirements</td>
<td>Chapter 59 of the Laws of 2019</td>
<td>In October 2019, DMV registration forms, procedure and transaction processing system enhanced to include altered livery information and prohibit the registration of noncompliant vehicles. Data is shared with NYSDOT in the vetting process.</td>
</tr>
<tr>
<td></td>
<td>Established by 49 C.F.R. Part 567.</td>
<td>Plate seizure for stretch limousines placed out of service</td>
<td>&quot;Suspend Now&quot; App developed to initiate immediate suspension of vehicle registration on stretched limousines. State Police published a Legal Service Bulletin statewide advising all Members of change to law. Suspend Now app has been implemented in the field among troopers assigned to the Commercial Vehicle Enforcement Unit &amp; NYSDOT personnel. All Members have received training on license plate seizure authority and Suspend Now reporting.</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
</tr>
<tr>
<td>17</td>
<td>Increased civil penalty related to rates</td>
<td>Chapter 59 of the Laws of 2019</td>
<td>State Police published a Legal Service Bulletin statewide advising all Members of change to law.</td>
</tr>
<tr>
<td>18</td>
<td>Violation of out of service order that leads to death</td>
<td>Chapter 59 of the Laws of 2019</td>
<td>NYSDOT and Police issue Out of Service Orders. State Police published a Legal Service Bulletin statewide advising all Members of change to law.</td>
</tr>
<tr>
<td>19</td>
<td>Inspection stations - increased fines and provisions related to refusal to inspect stretch limousines</td>
<td>Chapter 59 of the Laws of 2019</td>
<td>In October 2019, new reporting form and procedure created for use by inspection stations. Stations are required to report issues for further DMV/DOT vetting.</td>
</tr>
<tr>
<td>20</td>
<td>Increased insurance coverage for passenger carriers</td>
<td>Chapter 59 of the Laws of 2019 / Chapter 408 of the Laws of 2019</td>
<td>Notice of change to insurance requirements sent to the industry. Insurance certificates filed with the Department must conform to new insurance levels.</td>
</tr>
<tr>
<td>22</td>
<td>Requirement that valid limousine operating authority, inspection information, and driver qualifications be displayed to public.</td>
<td>Chapter 59 of the Laws of 2019</td>
<td>NYSDOT developed a uniform credential display artifact for operators to display in vehicles. This provision is enforced roadside and at semi-annual inspections.</td>
</tr>
<tr>
<td>24</td>
<td>Carrier info on website</td>
<td>Chapter 59 of the Laws of 2019</td>
<td>SafeLimo website developed and is in operation. Daily feed updated from BusNet information system provides up to date information on all operators Statewide. Site includes additional consumer information besides safety data. <a href="https://webapps.dot.ny.gov/operator-safety-inspection-performance-data">https://webapps.dot.ny.gov/operator-safety-inspection-performance-data</a></td>
</tr>
<tr>
<td>25</td>
<td>Inspection fee</td>
<td>Chapter 59 of the Laws of 2019</td>
<td>Fee collection database developed; fees being collected ($85 per inspection). Law covers charter buses &amp; limos. Does not apply to school buses, ambulettes, &amp; transit vehicles.</td>
</tr>
</tbody>
</table>