

5722

2009-2010 Regular Sessions

I N S E N A T E

June 1, 2009

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to excluding idling reduction devices from the calculation of weight

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 385 of the vehicle and traffic law is amended by
2 adding a new subdivision 10-a to read as follows:
3 10-A. NOTWITHSTANDING THE MAXIMUM WEIGHT LIMITATIONS OF TRUCKS
4 CONTAINED IN SUBDIVISIONS SEVEN, EIGHT, NINE AND TEN OF THIS SECTION AND
5 THE PENALTIES IMPOSED BY SUBDIVISION NINETEEN OF THIS SECTION, THE
6 CALCULATION OF WEIGHT FOR THE PURPOSES OF SUBDIVISIONS SEVEN, EIGHT,
7 NINE, TEN, ELEVEN AND TWELVE OF THIS SECTION SHALL NOT INCLUDE THE
8 WEIGHT OF AN IDLING REDUCTION DEVICE, SUBJECT TO THE FOLLOWING
9 PROVISIONS:
10 (A) THE MAXIMUM WEIGHT INCREASE SHALL BE NOT GREATER THAN FOUR HUNDRED
11 POUNDS.
12 (B) UPON REQUEST BY A REGULATORY OR LAW ENFORCEMENT AGENCY, THE TRUCK
13 OPERATOR SHALL PROVIDE PROOF (THROUGH DEMONSTRATION OR CERTIFICATION)
14 THAT (I) THE IDLE REDUCTION DEVICE IS FULLY FUNCTIONAL AT ALL TIMES AND
15 (II) THE GROSS WEIGHT INCREASE IS NOT USED FOR ANY PURPOSE OTHER THAN
16 THE USE OF IDLING REDUCTION DEVICE.
17 (C) FOR THE PURPOSES OF THIS SECTION, "IDLING REDUCTION DEVICE" MEANS
18 ANY DEVICE OR SYSTEM OF DEVICES THAT IS (I) INSTALLED ON A NEW OR USED
19 HEAVY DUTY TRUCK THAT IS REGISTERED IN THIS STATE, (II) DESIGNED TO
20 REDUCE LONG-DURATION IDLING OF SUCH VEHICLE AT A MOTOR VEHICLE REST STOP
21 OR OTHER LOCATION WHERE SUCH VEHICLES ARE TEMPORARILY PARKED OR REMAIN
22 STATIONARY, AND (III) DESIGNED TO PROVIDE TO SUCH VEHICLE THOSE SERVICES
23 (SUCH AS HEAT, AIR CONDITIONING, OR ELECTRICITY) THAT WOULD OTHERWISE
24 REQUIRE THE OPERATION OF THE MAIN DRIVE ENGINE WHILE THE VEHICLE IS
25 TEMPORARILY PARKED OR REMAINS STATIONARY.
26 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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