

4209

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 30, 2009

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Introduced by M. of A. SPANO, WALKER, TOWNSEND, BING -- Multi-Sponsored  
by -- M. of A. RAIA -- read once and referred to the Committee on  
Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring  
surfaces of certain motor vehicles to be cleared of accumulated snow,  
sleet, or hail

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

1     Section 1. The vehicle and traffic law is amended by adding a new  
2     section 1229-e to read as follows:  
3     S 1229-E. CLEARANCE OF SNOW, SLEET, AND HAIL. 1. NO PERSON SHALL OPER-  
4     ATE A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY WHILE THERE IS AN  
5     ACCUMULATION OF SNOW, SLEET, OR HAIL ON THE ROOF OR CARGO BED SURFACES  
6     THEREOF, WHETHER OF ANY OCCUPANT COMPARTMENT, TRAILER, OR OTHER CARGO  
7     COMPARTMENT.  
8     2. THE REMOVAL OF ACCUMULATED SNOW, SLEET, OR HAIL REQUIRED BY SUBDI-  
9     VISION ONE OF THIS SECTION SHALL NOT APPLY DURING THE FALLING OF SNOW,  
10    SLEET, OR HAIL OR WITHIN THREE HOURS AFTER THE CESSATION OF THE FALLING  
11    THEREOF.  
12    3. (A) THE OPERATOR OF A NON-COMMERCIAL VEHICLE IN VIOLATION OF THE  
13    PROVISIONS OF THIS SECTION, EXCLUDING A DISABLED OPERATOR, SHALL BE  
14    SUBJECT TO A FINE OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS NOR MORE  
15    THAN EIGHT HUNDRED FIFTY DOLLARS.  
16    (B) THE OPERATOR, OWNER, LESSEE, BAILEE OR ANY ONE OF THE AFORESAID IF  
17    A COMMERCIAL MOTOR VEHICLE SHALL BE SUBJECT TO A FINE OF NOT LESS THAN  
18    FOUR HUNDRED FIFTY DOLLARS NOR MORE THAN TWELVE HUNDRED FIFTY DOLLARS.  
19    (C) IN ADDITION TO SUCH FINES, POINTS SHALL BE ASSESSED AGAINST THE  
20    OPERATOR FOR A VIOLATION OF THIS SECTION AS DETERMINED BY THE COMMIS-  
21    SIONER.  
22    4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY AUTOMOBILE  
23    TRANSPORTER, MOTORCYCLE, OR AUTHORIZED EMERGENCY VEHICLE.

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

LBD06338-01-9

1 S 2. Section 125 of the vehicle and traffic law, as amended by chapter  
2 365 of the laws of 2008, is amended to read as follows:

3 S 125. Motor vehicles. Every vehicle operated or driven upon a public  
4 highway which is propelled by any power other than muscular power,  
5 except (a) electrically-driven mobility assistance devices operated or  
6 driven by a person with a disability, (a-1) electric personal assistive  
7 mobility devices operated outside a city with a population of one  
8 million or more, (b) vehicles which run only upon rails or tracks, (c)  
9 snowmobiles as defined in article forty-seven of this chapter, and (d)  
10 all terrain vehicles as defined in article forty-eight-B of this chap-  
11 ter. For the purposes of title four of this chapter, the term motor  
12 vehicle shall exclude fire and police vehicles other than ambulances.  
13 For the purposes of titles four and five, AND SECTION TWELVE HUNDRED  
14 TWENTY-NINE-E of this chapter the term motor vehicles shall exclude farm  
15 type tractors and all terrain type vehicles used exclusively for agri-  
16 cultural purposes, or for snow plowing, other than for hire, farm equip-  
17 ment, including self-propelled machines used exclusively in growing,  
18 harvesting or handling farm produce, and self-propelled caterpillar or  
19 crawler-type equipment while being operated on the contract site.

20 S 3. This act shall take effect on the first of November next succeed-  
21 ing the date on which it shall have become a law.