

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sens. YOUNG, BONACIC, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the powers and duties of the commissioner; and to amend the vehicle and traffic law in relation to the transportation of bulk milk

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

1     Section 1. Subdivision 4 of section 16 of the agriculture and markets  
2     law, such section as renumbered by chapter 16 of the laws of 1935, is  
3     amended to read as follows:

4     4. Investigate the sources of food supply for the state, the  
5     production, transportation, storage, marketing and distribution of food  
6     sold, offered for sale, stored or held within the state, the cost OR  
7     BARRIERS of transportation to the leading centers of population and of  
8     distribution to consumers.

9     S 2. Subdivision 11 of section 16 of the agriculture and markets law,  
10    as amended by chapter 267 of the laws of 1970, is amended to read as  
11    follows:

12    11. Co-operate with the commissioner of transportation with the view  
13    of obtaining suitable, expeditious and economical facilities for the  
14    shipment of food, and recommend as to the action to be taken by such  
15    commissioner to avoid and prevent unfair discrimination in such shipment  
16    and unreasonable delay OR BARRIERS in the transportation thereof, and to  
17    obtain fair and reasonable rates for such transportation.

18    S 3. Paragraph (d) of subdivision 15 of section 385 of the vehicle and  
19    traffic law, as amended by section 3 of part C of chapter 59 of the laws  
20    of 2004, is amended to read as follows:

21    (d) Except during storms, floods, fires or other public emergencies,  
22    no such permit may be issued to include a towing operation involving

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

LBD03453-01-1

1 more than two vehicles except three vehicle combinations consisting of a  
2 tractor, semitrailer and trailer or a tractor and two trailers within  
3 legal weight and width limits proceeding to or from any qualifying high-  
4 way or access highway. Every such permit may designate the route to be  
5 traversed and contain any other restrictions or conditions deemed neces-  
6 sary by the issuing authority. Every such permit shall be carried on the  
7 vehicle to which it refers and shall be open to the inspection of any  
8 peace officer, acting pursuant to his special duties, or police officer,  
9 or any other officer or employee authorized to enforce this section. All  
10 permits issued shall be revocable by the authority issuing them at the  
11 discretion of the authority without a hearing or the necessity of show-  
12 ing cause. Except for a vehicle having a maximum gross weight not  
13 exceeding eighty thousand pounds without regard to any axle weight limi-  
14 tation set forth herein or the maximum gross weight established by the  
15 formula commonly referred to as the bridge formula as set forth in  
16 subdivision ten of this section and except for state or municipally-  
17 owned single vehicles engaged in snow and ice control operations, or  
18 designed or fitted for snow and ice control operations while engaged in  
19 other public works operations on public highways which do not exceed the  
20 weight limits contained in subdivision seventeen-a of this section, no  
21 permit shall be issued to allow operation or movement of any vehicle or  
22 combination of vehicles whose weight exceeds the limitations otherwise  
23 prescribed in this section other than an annual permit issued pursuant  
24 to paragraph (f) of this subdivision except upon a finding by the  
25 department of transportation or the appropriate authority, as the case  
26 may be, that the load proposed is of one piece or item or otherwise  
27 cannot be separated into units of less weight provided, however, that  
28 any such permit issued upon such finding shall not be valid for the  
29 operation or movement of such vehicles on any state or other highway  
30 within any city not wholly included within one county. PROVIDED, HOWEV-  
31 ER, A PERMIT FOR THE TRANSPORTATION OF BULK MILK SHALL BE VALID ON ANY  
32 STATE OR OTHER HIGHWAY UNLESS SUCH VEHICLE OR ANY COMBINATION OF VEHI-  
33 CLES TRANSPORTING SUCH MILK EXCEEDS LIMITATIONS ON SUCH STATE OR OTHER  
34 HIGHWAY AS DETERMINED BY THE DEPARTMENT OF TRANSPORTATION OR WITHIN ANY  
35 CITY NOT WHOLLY CONTAINED WITHIN ONE COUNTY BY THE DEPARTMENT OF TRANS-  
36 PORTATION AND THE DEPARTMENT OF TRANSPORTATION OF SUCH CITY. Bulk milk  
37 may be considered one piece or item.

38 S 4. This act shall take effect immediately.