

3687

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. *MAYER, STEVENSON, MARKEY*, RA -- 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; to amend the state finance law, the public authorities law and the transportation law, in relation to the snow and ice removal fund; and providing for the repeal of certain provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 IN EXCESS OF THREE INCHES.

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) ALL FINES CREDITED TO THE STATE PURSUANT TO THIS SECTION SHALL BE  
20 DEPOSITED TO THE SNOW AND ICE REMOVAL FUND ESTABLISHED PURSUANT TO  
21 SECTION SEVENTY-FOUR-A OF THE STATE FINANCE LAW.

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

LBD00411-01-3

1 4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY AUTOMOBILE  
2 TRANSPORTER, MOTORCYCLE, OR AUTHORIZED EMERGENCY VEHICLE.

3 S 2. Section 125 of the vehicle and traffic law, as amended by chapter  
4 365 of the laws of 2008, is amended to read as follows:

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

22 S 3. Section 200 of the vehicle and traffic law is amended by adding a  
23 new subdivision 3 to read as follows:

24 3. THE COMMISSIONER SHALL SUBMIT A REPORT TO THE GOVERNOR, TEMPORARY  
25 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON AN ANNUAL  
26 BASIS FOR THE TEN YEARS COMMENCING ON AUGUST THIRTY-FIRST, TWO THOUSAND  
27 FOURTEEN CONCERNING THE IMPLEMENTATION OF SECTION TWELVE HUNDRED TWEN-  
28 TY-NINE-E OF THIS CHAPTER AND SECTION SEVENTY-FOUR-A OF THE STATE  
29 FINANCE LAW. SUCH REPORT SHALL INCLUDE INFORMATION ON:

30 (A) THE AMOUNT OF FUNDS MADE AVAILABLE TO THE COMMISSIONER AND THE NEW  
31 YORK STATE THRUWAY AUTHORITY AND THE USE OF SUCH FUNDS;

32 (B) HOW MANY SUMMONSES WERE ISSUED PURSUANT TO SECTION TWELVE HUNDRED  
33 TWENTY-NINE-E OF THIS CHAPTER;

34 (C) THE OPERATION OF THE GRANT PROGRAM ESTABLISHED PURSUANT TO PARA-  
35 GRAPH (B) OF SUBDIVISION TWO OF SECTION TWENTY-THREE OF THE TRANSPORTA-  
36 TION LAW;

37 (D) THE PUBLIC AWARENESS PROGRAM CONDUCTED PURSUANT TO PARAGRAPH (C)  
38 OF SUBDIVISION TWO OF SECTION TWENTY-THREE OF THE TRANSPORTATION LAW;

39 (E) THE SEVERITY AND FREQUENCY OF TRAFFIC INCIDENTS INVOLVING SNOW OR  
40 ICE NOT PROPERLY REMOVED FROM VEHICLES BEFORE AND AFTER THE IMPLEMENTA-  
41 TION OF SECTION TWELVE HUNDRED TWENTY-NINE-E OF THIS CHAPTER; AND

42 (F) THE OPERATION OF SUCH SNOW AND ICE REMOVAL SITES ESTABLISHED BY  
43 THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION PURSUANT TO SECTION  
44 THREE HUNDRED EIGHTY-NINE OF THE PUBLIC AUTHORITIES LAW AND THE NEW YORK  
45 STATE THRUWAY AUTHORITY PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF  
46 SECTION TWENTY-THREE OF THE TRANSPORTATION LAW.

47 S 4. The state finance law is amended by adding a new section 74-a to  
48 read as follows:

49 S 74-A. SNOW AND ICE REMOVAL FUND. 1. THERE IS HEREBY ESTABLISHED IN  
50 THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXA-  
51 TION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "SNOW AND ICE REMOVAL  
52 FUND".

53 2. THE SNOW AND ICE REMOVAL FUND SHALL CONSIST OF ALL FINES CREDITED  
54 TO THE STATE FOR A VIOLATION OF SECTION TWELVE HUNDRED TWENTY-NINE-E OF  
55 THE VEHICLE AND TRAFFIC LAW, AND ALL OTHER MONEYS CREDITED OR TRANS-  
56 FERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

1 3. MONEYS IN THE SNOW AND ICE REMOVAL FUND MAY BE INVESTED BY THE  
2 COMPTROLLER PURSUANT TO THE PROVISIONS OF SECTION NINETY-EIGHT-A OF THIS  
3 ARTICLE AND ANY INCOME RECEIVED BY THE COMPTROLLER FROM SUCH INVESTMENTS  
4 SHALL BE ADDED TO AND BECOME PART OF, AND SHALL BE USED FOR THE PURPOSES  
5 OF SUCH FUND. ALL DEPOSITS OF SUCH MONEY SHALL, IF REQUIRED BY THE COMP-  
6 TROLLER, BE SECURED BY OBLIGATIONS OF THE UNITED STATES OR OF THE STATE  
7 OF MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF THE DEPOSIT AND ALL  
8 BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SUCH SECURITIES FOR  
9 SUCH DEPOSITS.

10 4. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE,  
11 SHALL BE ALLOCATED UPON A CERTIFICATE OF APPROVAL OF AVAILABILITY BY THE  
12 DIRECTOR OF THE BUDGET SOLELY FOR THE PURPOSES SET FORTH IN THIS  
13 SECTION.

14 5. MONEYS IN THE FUND SHALL BE ALLOCATED IN THE FOLLOWING MANNER:

15 (A) TEN PERCENT OF THE MONEYS SHALL BE TRANSFERRED TO THE DEPARTMENT  
16 OF MOTOR VEHICLES FOR THE COLLECTION AND REPORTING OF DATA ON THE IMPL-  
17 MENTATION OF SECTION TWELVE HUNDRED TWENTY-NINE-E OF THE VEHICLE AND  
18 TRAFFIC LAW.

19 (B) TWENTY-FIVE PERCENT OF THE MONEYS SHALL BE TRANSFERRED TO THE  
20 DEPARTMENT OF TRANSPORTATION FOR THE PURPOSES OF PARAGRAPH (A) OF SUBDI-  
21 VISION TWO OF SECTION TWENTY-THREE OF THE TRANSPORTATION LAW.

22 (C) TWENTY-FIVE PERCENT OF THE MONEYS SHALL BE TRANSFERRED TO THE NEW  
23 YORK STATE THRUWAY AUTHORITY FOR PURPOSES OF SECTION THREE HUNDRED  
24 EIGHTY-NINE OF THE PUBLIC AUTHORITIES LAW.

25 (D) THIRTY PERCENT OF THE MONEYS SHALL BE TRANSFERRED TO THE DEPART-  
26 MENT OF TRANSPORTATION FOR THE GRANT PROGRAM ESTABLISHED PURSUANT TO  
27 PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION TWENTY-THREE OF THE TRANS-  
28 PORTATION LAW.

29 (E) TEN PERCENT OF THE MONEYS SHALL BE TRANSFERRED TO THE DEPARTMENT  
30 OF TRANSPORTATION FOR THE PUBLIC AWARENESS PROGRAM CONDUCTED PURSUANT TO  
31 PARAGRAPH (C) OF SUBDIVISION TWO OF SECTION TWENTY-THREE OF THE TRANS-  
32 PORTATION LAW.

33 S 5. The public authorities law is amended by adding a new section 389  
34 to read as follows:

35 S 389. SNOW AND ICE REMOVAL SITES. 1. FOR THE PURPOSES OF THIS  
36 SECTION, THE TERM "COMMON CARRIER" SHALL MEAN ANY PERSON THAT TRANSPORTS  
37 PASSENGERS BY MOTOR VEHICLE FOR COMPENSATION BY PROVIDING SERVICE FOR  
38 THE GENERAL PUBLIC ON AN INDIVIDUAL FARE BASIS OVER REGULAR OR IRREGULAR  
39 ROUTES OR ANY PERSON THAT TRANSPORTS PROPERTY BY MOTOR VEHICLE FOR  
40 COMPENSATION FOR THE GENERAL PUBLIC. IT SHALL INCLUDE A BUS LINE WHICH  
41 IS A MOTOR VEHICLE THAT IS USUALLY CHARACTERIZED BY THE USE OF VEHICLES  
42 HAVING A SEATING CAPACITY OF GREATER THAN TWENTY PASSENGERS; BY MULTIPLE  
43 PICKUP AND DISCHARGE POINTS ALONG DESIGNATED ROUTES; AND BY NO PREAR-  
44 RANGEMENTS OR RESERVATIONS BY PASSENGERS.

45 2. USING THE MONEYS ALLOCATED FROM THE SNOW AND ICE REMOVAL FUND  
46 ESTABLISHED PURSUANT TO SECTION SEVENTY-FOUR-A OF THE STATE FINANCE LAW,  
47 THE AUTHORITY SHALL ESTABLISH SNOW AND ICE REMOVAL SITES FOR COMMON  
48 CARRIERS ON THE THRUWAY. THE AUTHORITY SHALL USE THE MONEYS ALLOCATED  
49 FROM PARAGRAPH (C) OF SUBDIVISION FIVE OF SECTION SEVENTY-FOUR-A OF THE  
50 STATE FINANCE LAW FOR THE PURCHASE, INSTALLATION AND OPERATION OF SNOW  
51 AND ICE REMOVAL EQUIPMENT AT SUCH REST AREAS AND SERVICE AREAS UNDER ITS  
52 JURISDICTION AS THE AUTHORITY DEEMS APPROPRIATE.

53 S 6. The transportation law is amended by adding a new section 23 to  
54 read as follows:

55 S 23. SNOW AND ICE REMOVAL. 1. FOR THE PURPOSES OF THIS SECTION, THE  
56 TERM "COMMON CARRIER" SHALL MEAN ANY PERSON THAT TRANSPORTS PASSENGERS

1 BY MOTOR VEHICLE FOR COMPENSATION BY PROVIDING SERVICE FOR THE GENERAL  
2 PUBLIC ON AN INDIVIDUAL FARE BASIS OVER REGULAR OR IRREGULAR ROUTES OR  
3 ANY PERSON THAT TRANSPORTS PROPERTY BY MOTOR VEHICLE FOR COMPENSATION  
4 FOR THE GENERAL PUBLIC. IT SHALL INCLUDE A BUS LINE WHICH IS A MOTOR  
5 VEHICLE THAT IS USUALLY CHARACTERIZED BY THE USE OF VEHICLES HAVING A  
6 SEATING CAPACITY OF GREATER THAN TWENTY PASSENGERS; BY MULTIPLE PICKUP  
7 AND DISCHARGE POINTS ALONG DESIGNATED ROUTES; AND BY NO PREARRANGEMENTS  
8 OR RESERVATIONS BY PASSENGERS.

9 2. USING THE MONEYS ALLOCATED FROM THE SNOW AND ICE REMOVAL FUND  
10 ESTABLISHED PURSUANT TO SECTION SEVENTY-FOUR-A OF THE STATE FINANCE LAW,  
11 THE DEPARTMENT SHALL:

12 (A) ESTABLISH SNOW AND ICE REMOVAL SITES FOR COMMON CARRIERS ON SUCH  
13 INTERSTATE AND STATE HIGHWAYS THAT ARE UNDER THE JURISDICTION OF THE  
14 DEPARTMENT. THE DEPARTMENT SHALL USE THE MONEYS ALLOCATED FROM PARAGRAPH  
15 (B) OF SUBDIVISION FIVE OF SECTION SEVENTY-FOUR-A OF THE STATE FINANCE  
16 LAW FOR THE PURCHASE, INSTALLATION AND OPERATION OF SNOW AND ICE REMOVAL  
17 EQUIPMENT AT SUCH REST AREAS AND SERVICE AREAS UNDER ITS JURISDICTION AS  
18 THE COMMISSIONER DEEMS APPROPRIATE.

19 (B) ESTABLISH AND ADMINISTER A SNOW AND ICE REMOVAL GRANT PROGRAM. THE  
20 DEPARTMENT SHALL USE THE MONEYS ALLOCATED FROM PARAGRAPH (B) OF SUBDIVI-  
21 SION FIVE OF SECTION SEVENTY-FOUR-A OF THE STATE FINANCE LAW FOR THE  
22 PURPOSE OF PROVIDING COMMON CARRIERS WITH MATCHING FUNDS TO PURCHASE  
23 SNOW AND ICE REMOVAL EQUIPMENT; PROVIDED, HOWEVER, THAT

24 (I) NO GRANT TO ANY COMMON CARRIER SHALL EXCEED TEN PERCENT OF THE  
25 TOTAL ALLOCATIONS FOR SUCH GRANT PROGRAM;

26 (II) EACH APPLICANT SHALL BE ELIGIBLE TO RECEIVE ONLY ONE SUCH GRANT  
27 IN ANY TWENTY-FOUR MONTH PERIOD;

28 (III) NO PART OF ANY SUCH GRANT SHALL BE USED FOR SALARIES OR ANY  
29 OTHER SERVICES OTHER THAN FOR THE PURCHASE AND INSTALLATION OF SNOW AND  
30 ICE REMOVAL EQUIPMENT; AND

31 (IV) THE COMMON CARRIER HAS COMMITTED SUFFICIENT FUNDS TO FULFILL THE  
32 MATCH REQUIREMENTS OF THIS GRANT.

33 (C) IMPROVE PUBLIC AWARENESS OF THE HAZARDS OF DRIVING WITH ACCUMU-  
34 LATIONS OF SNOW AND ICE ON THE ROOF OR CARGO BED SURFACES OF MOTOR VEHI-  
35 CLES AND THE PROHIBITION THEREOF. THE DEPARTMENT SHALL USE THE MONEYS  
36 ALLOCATED FROM PARAGRAPH (E) OF SUBDIVISION FIVE OF SECTION  
37 SEVENTY-FOUR-A OF THE STATE FINANCE LAW FOR THE PURPOSE OF SUCH PUBLIC  
38 AWARENESS CAMPAIGN THROUGH EDUCATIONAL AND INFORMATIONAL MATERIALS IN  
39 PRINT, AUDIO, VISUAL, ELECTRONIC OR OTHER MEDIA INCLUDING, BUT NOT  
40 LIMITED TO PUBLIC SERVICE ANNOUNCEMENTS AND ADVERTISEMENTS.

41 S 7. This act shall take effect on the first of November next succeed-  
42 ing the date on which it shall have become a law; provided, however,  
43 that the amendments to section 200 of the vehicle and traffic law made  
44 by section three of this act shall expire and be deemed repealed Septem-  
45 ber 1, 2023.