

STATE OF NEW YORK

7979

IN SENATE

January 4, 2024

Introduced by Sen. GOUNARDES -- 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 certain requirements for side under-ride guards

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 375 of the vehicle and traffic law is amended by
2 adding a new subdivision 10-f to read as follows:

3 10-f. Twenty-four months from the effective date of this subdivision,
4 every truck, tractor, and tractor-trailer or semitrailer combination
5 registered in this state having a gross vehicle weight rating of twen-
6 ty-six thousand pounds or more, and a conventional cab configuration in
7 which more than half of the engine length is forward of the foremost
8 point of the windshield base and the steering wheel hub is in the
9 forward quarter of the vehicle length, whenever operated within a city
10 having a population of one million or more on highways other than cont-
11 rolled-access highways, shall be equipped with side under-ride guards
12 affixed to the sides of such vehicles in a manner consistent with rules
13 and regulations that shall be promulgated by the commissioner, in
14 consultation with the commissioner of transportation. For the purposes
15 of this section, "side under-ride guard" shall mean a device fit
16 to the side of a large vehicle designed to prevent pedestrians and
17 bicyclists from falling into the exposed space between the front axle
18 and the rear axle of such vehicles and to prevent passenger vehicles
19 from sliding under such vehicles. The provisions of this subdivision do
20 not apply to trucks, tractors, and tractor-trailer or semitrailer combi-
21 nations in the state fleet or city fleet or in any city contracted vehi-
22 cle, as defined by section 6-141 of the administrative code of the city
23 of New York. The commissioner shall be authorized to promulgate any
24 rules necessary to inspect side under-ride guards and side under-ride
25 guard specifications for compliance with the requirements of this subdi-
26 vision.

27 § 2. Section 375 of the vehicle and traffic law is amended by adding a
28 new subdivision 55 to read as follows:

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

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1 55. (a) For the purposes of this subdivision, "side under-ride guard"
2 shall mean a device fit to the side of a large vehicle designed to
3 prevent pedestrians and bicyclists from falling into the exposed space
4 between the front axle and the rear axle of such vehicles and to prevent
5 passenger vehicles from sliding under such vehicles.

6 (b) Twenty-four months from the effective date of this subdivision,
7 all vehicles with a manufacturer's gross vehicle weight rating exceeding
8 ten thousand pounds in the state fleet shall be equipped with side
9 under-ride guards affixed to the sides of such vehicles in a manner
10 consistent with rules and regulations that shall be promulgated by
11 the commissioner, in consultation with the commissioner of transporta-
12 tion. The commissioner shall have the authority to promulgate any rules
13 necessary to administer the provisions of this subdivision, including
14 but not limited to rules governing when the installation of side
15 under-ride guards on certain vehicles in the state fleet is impracti-
16 cal or will disrupt provision of public safety or public health
17 services and will not be required. Such rules may also govern when
18 written exemptions may be authorized, including due to limitations in
19 vendor capacity to supply side under-ride guards and circumstances in
20 which state-owned vehicles are in the order cycle for replacement. The
21 commissioner shall be authorized to promulgate any rules necessary to
22 inspect side under-ride guards and side under-ride guard specifications
23 for compliance with the requirements of this subdivision.

24 § 3. This act shall take effect on the one hundred eightieth day after
25 it shall have become a law. Effective immediately, the addition, amend-
26 ment and/or repeal of any rule or regulation necessary for the implemen-
27 tation of this act on its effective date are authorized to be made and
28 completed on or before such effective date.