S T A T E O F N E W Y O R K

2011

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. BENJAMIN -- Multi-Sponsored by -- M. of A. CLARK -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring certain drivers of fire vehicles to obtain commercial drivers licenses

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

Section 1. Subparagraph (i) of paragraph (d) of subdivision 2 of section 501 of the vehicle and traffic law, as amended by section 6 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(i) Notwithstanding the foregoing provisions of this subdivision, a motor vehicle or combination of vehicles, other than a motorcycle, that is a military vehicle operated by a member of the armed forces, or a police or fire vehicle, OTHER THAN A FIRE VEHICLE IN CITIES WITH A POPULATION OF ONE MILLION OR MORE, during its use in an emergency operation, as defined in section one hundred fourteen-b of this chapter, or a vehicle owned and identified as being owned by the state, a political subdivision thereof, an ambulance service as defined in subdivision two of section three thousand one of the public health law or a voluntary ambulance service as defined in subdivision three of such section and used to provide emergency medical service as defined in section three thousand one of the public health law may be operated with any class license other than a class DJ, M or MJ license. For the purposes of this paragraph the term "member of the armed forces" shall include active duty military personnel; members of the reserve components of the armed forces; members of the national guard on active duty, including personnel on full time active guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty United States coast guard personnel. The term shall not include United States reserve technicians.

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

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S 2. The opening paragraph of paragraph (a) and paragraph (b) of subdivision 4 of section 501-a of the vehicle and traffic law, the opening paragraph of paragraph (a) as added by chapter 173 of the laws of 1990 and paragraph (b) as amended by chapter 251 of the laws of 2007, are amended to read as follows:

A motor vehicle or combination of vehicles designed or used to transport passengers or property; OR A FIRE VEHICLE IN CITIES WITH A POPULATION OF ONE MILLION OR MORE:

(b) However, a commercial motor vehicle shall not include: (i) a personal use vehicle or a farm vehicle or a combination of such vehicles; (ii) any motor vehicle or combination of motor vehicles operated by a member of the armed forces for military purposes; (iii) a police or fire vehicle, EXCEPT FOR A FIRE VEHICLE IN CITIES WITH A POPULATION OF ONE MILLION OR MORE or a vehicle during its use in an emergency operation, as defined in section one hundred fourteen-b of this chapter, owned and identified as being owned by the state, a political subdivision thereof, an ambulance service as defined in subdivision two of section three thousand one of the public health law or a voluntary ambulance service as defined in subdivision three of such section and used to provide emergency medical service as defined in section three thousand one of the public health law or combination of such vehicles; or (iv) a vehicle or combination of vehicles which is designed and primarily used for purposes other than the transportation of persons or property and which is operated on a public highway only occasionally for the purpose of being transported to a construction or off-highway site at which its primary purpose is to be performed except as may otherwise be specifically provided by regulation of the commissioner. For the purposes of this paragraph, the term "member of the armed forces" shall include active duty military personnel; members of the reserve components of the armed forces; members of the national guard on active duty, including personnel on full time active guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty United States coast guard personnel. The term shall not include United States reserve technicians.

S 3. Subdivisions 1, 3 and 4 of section 509-p of the vehicle and traffic law, subdivision 1 as amended by chapter 552 of the laws of 1994 and subdivisions 3 and 4 as added by chapter 371 of the laws of 1992, are amended to read as follows:

1. "Commercial motor vehicle" shall mean a motor vehicle or combination of vehicles having a gross combination weight rating of more than ten thousand pounds used in commerce to transport property and [it] shall include, BUT NOT BE LIMITED TO:

(A) a tow truck with a gross vehicle weight rating of at least eighty-six hundred pounds; AND

(B) A FIRE VEHICLE IN CITIES WITH POPULATIONS OF ONE MILLION OR MORE.

3. "Commercial driver" shall mean every person who is self-employed or employed by a commercial motor carrier and who drives a commercial motor vehicle for hire or profit; OR EVERY PERSON WHO DRIVES A FIRE VEHICLE IN CITIES WITH POPULATIONS OF ONE MILLION OR MORE.

4. "Commercial motor carrier" shall mean any person, corporation, or entity, who directs one or more commercial motor vehicles and who operates a commercial motor vehicle wholly within or partly within and partly without this state in connection with the operation or administration of any business OR PUBLIC SERVICE.

S 4. Section 509-x of the vehicle and traffic law, as added by chapter 371 of the laws of 1992, is amended to read as follows:

S 509-x. Exemptions. The commissioner of transportation shall have the authority, pursuant to rules and regulations, to exempt certain commercial motor carriers or commercial drivers from the provisions of this article in accordance with federal rules and regulations. EXCEPT THAT THE COMMISSIONER OF TRANSPORTATION SHALL NOT EXEMPT COMMERCIAL DRIVERS WHO DRIVE FIRE VEHICLES IN CITIES WITH A POPULATION OF ONE MILLION OR MORE FROM THE PROVISIONS OF THIS ARTICLE THAT ARE REASONABLY RELATED TO PUBLIC SAFETY.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.