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

3447

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. EDDINGTON -- read once and referred to the Committee on Transportation

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

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

Section 1. The vehicle and traffic law is amended by adding a new section 1229-e to read as follows:

S 1229-E. CLEARANCE OF SNOW AND ICE. 1. NO PERSON SHALL OPERATE A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY WHILE THERE IS AN ACCUMULATION OF SNOW OR ICE ON THE HOOD, TRUNK OR ROOF OR IN THE CARGO BED OF SUCH VEHICLE.

2. THE REMOVAL OF ACCUMULATED SNOW OR ICE REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY DURING THE FALLING OF SNOW OR FREEZING RAIN OR WITHIN TWO HOURS AFTER THE CESSATION OF THE FALLING THEREOF.

3. THE OPERATOR OF A VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS SECTION, EXCLUDING AN OPERATOR WITH A DISABILITY, SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED FIFTY DOLLARS.

4. THE OPERATOR OF A VEHICLE WHO VIOLATES THE PROVISIONS OF THIS SECTION WHERE SUCH VIOLATION RESULTS IN THE PHYSICAL INJURY OF ANOTHER PERSON, AS DEFINED IN SECTION 10.00 OF THE PENAL LAW, OR DAMAGE TO PROPERTY OF ANOTHER PERSON, SHALL BE SUBJECT TO A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS. ADDITIONALLY, THE DEPARTMENT SHALL PROVIDE THAT A VIOLATION PURSUANT TO THIS SUBDIVISION SHALL CAUSE ONE POINT TO BE APPLIED AGAINST THE OPERATOR'S LICENSE.

5. THE OPERATOR OF A VEHICLE WHO VIOLATES THE PROVISIONS OF THIS SECTION WHERE SUCH VIOLATION RESULTS IN THE SERIOUS PHYSICAL INJURY OF ANOTHER PERSON, AS DEFINED IN SECTION 10.00 OF THE PENAL LAW, SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS. ADDITIONALLY, THE DEPARTMENT SHALL PROVIDE THAT A

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

LBD04659-01-9

VIOLATION PURSUANT TO THIS SUBDIVISION SHALL CAUSE TWO POINTS TO BE APPLIED AGAINST THE OPERATOR'S LICENSE.

6. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY AUTOMOBILE TRANSPORTER, MOTORCYCLE, SCHOOL BUS, OR AUTHORIZED EMERGENCY VEHICLE.

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

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

S 3. Paragraph b of subdivision 2 of section 510 of the vehicle and traffic law is amended by adding a new subparagraph (xvi) to read as follows:

(XVI) FOR A PERIOD OF THREE MONTHS WHERE THE HOLDER IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATIONS OF SUBDIVISION FOUR OR FIVE OF SECTION TWELVE HUNDRED TWENTY-NINE-E OF THIS CHAPTER WITHIN AN EIGHTEEN MONTH PERIOD.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.