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

422

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to weight restriction violation in cities not wholly contained within one county

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

Section 1. Paragraphs (a), (c) and (d) of subdivision 19 of section 385 of the vehicle and traffic law, paragraph (a) as added by section 6 of part C of chapter 59 of the laws of 2004, the opening paragraphs of paragraphs (c) and (d) as amended by section 7 of part C of chapter 59 of the laws of 2004, and paragraphs (c) and (d) as added by chapter 929 of the laws of 1985, are amended to read as follows:

(a) A violation of the provisions of subdivision eight, nine, or ten of this section by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or a violation of such rules and regulations, by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section or such rules and regulations, or a violation of the weight limitations specified by permit issued pursuant to subdivision fifteen of this section shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner or the owner's agent or lessee in accordance with the following schedule:

Percent of excess weight (percentage) greater than	less than or equal to	Amount of fine (dollars)
0	2.0	150
2.0	4.0	300
4.0	6.0	450
6.0	7.0	525
7.0	8.0	600
8.0	10.0	750

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

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10.0	12.0	950
12.0	14.0	1,150
14.0	16.0	1,350
16.0	18.0	1,550
18.0	20.0	1,750
20.0	22.0	1,950
22.0	24.0	2,150
24.0	26.0	2,350
26.0	28.0	2,550
28.0	30.0	2,750
30.0	32.0	2,950
32.0	34.0	3,150
34.0	36.0	3,350
36.0	38.0	3,550
38.0	40.0	3,750
40.0		3,750
or greater		plus $125 for each percent over 40 percent

(NOTE: Where the total weight, axle weight or axle grouping weight is greater than seven percent including any applicable enforcement scale tolerance in excess of the limits specified by a permit in areas outside a city not wholly contained in one county, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued. FOR SECOND AND SUBSEQUENT WEIGHT VIOLATIONS, THE FINES SHALL BE DOUBLED.)

(c) Notwithstanding paragraphs (a) and (b) of this subdivision, a violation of the provisions of subdivision ten of this section in a city not wholly included within one county or of the provisions of the rules or regulations of the city department of transportation setting forth the maximum allowable gross weight for the operation of a vehicle in such city without a permit for such vehicle, by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or such rules and regulations, or the weight limitations specified by permit issued pursuant to subdivision fifteen of this section (excluding enforcement scale tolerance not to exceed five percent) shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner or his OR HER agent or lessee in accordance with the following schedule:

EXCESS TOTAL WEIGHT (pounds) GREATER THAN	LESS THAN OR EQUAL TO	Amount of Fine (DOLLARS)
0	2,000	50
2,000	3,000	75
3,000	4,000	100
4,000	5,000	200
5,000	6,000	300
6,000	7,000	400
7,000	8,000	500
8,000	9,000	600
9,000	10,000	700

10,000	15,000	1,200
15,000	20,000	1,700
20,000	25,000	2,200
25,000	30,000	2,700
30,000	[35,000	3,200
35,000	40,000	3,700
40,000	45,000	4,200
45,000	50,000 or greater	4,700]
	SIX CENTS FOR EACH POUND IN EXCESS OF 30,000	

(NOTE: Where the excess total weight is greater than FIVE THOUSAND POUNDS IN EXCESS OF the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued. FOR SECOND AND SUBSEQUENT WEIGHT VIOLATIONS, THE FINES SHALL BE DOUBLED.)

(d) Notwithstanding paragraphs (a) and (b) of this subdivision, a violation of the provisions of subdivisions eight and nine of this section in a city not wholly included within one county or of the provisions of the rules or regulations of the city department of transportation setting forth the maximum allowable axle or tandem axle weight for the operation of a vehicle in such city without a permit for such vehicle, by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or such rules or regulations, or the weight limitations specified by permit issued pursuant to subdivision fifteen of this section shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner, or his OR HER agent, or lessee, in accordance with the following schedule:

Percentage of excess weight (PERCENTAGE) GREATER THAN	LESS THAN OR EQUAL TO	AMOUNT OF FINE (DOLLARS)
0	5.0	[100] 200
5.0	10.0	[200] 400
10.0	15.0	[350] 600
15.0	20.0	[600] 800
20.0	25.0	1000
25.0	30.0	1600
30.0	35.0	2450
35.0	40.0	3600
40.0	45.0	5100
45.0		7000

(NOTE: Where the excess axle or axles weight is greater than FIVE PERCENT IN EXCESS OF the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued. FOR SECOND AND SUBSEQUENT WEIGHT VIOLATIONS, THE FINES SHALL BE DOUBLED.)

S 2. This act shall take effect on the thirtieth day after it shall have become a law.