

5298

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 11, 2009

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Introduced by M. of A. MORELLE, MARKEY, MILLMAN, CLARK, DelMONTE,  
POWELL, BENJAMIN, PERRY, BENEDETTO, BOYLAND -- Multi-Sponsored by --  
M. of A. BING, COOK, DESTITO, FARRELL, McENENY, PHEFFER, J. RIVERA,  
N. RIVERA, ROBINSON, SWEENEY, ZEBROWSKI -- read once and referred to  
the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring  
dates of manufacture on tires

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

1     Section 1. Legislative intent. The legislature hereby finds and  
2 declares that tires have a limited service life regardless of tread  
3 depth and use. Aged tires are often unsuspectingly put into service  
4 after having served as a spare, stored in garages or warehouses, or  
5 simply used on a vehicle that is infrequently driven. In many instances  
6 these tires show no visible signs of deterioration. Research has shown  
7 that tread belt separations in aged tires have caused nearly 50 acci-  
8 dents, with at least 37 fatalities and 35 serious injuries. The legisla-  
9 ture also finds that the tire age can be determined through decoding of  
10 the required department of transportation number molded into the side of  
11 a tire; however, the department of transportation date coding is diffi-  
12 cult to read and can be confusing to the consumer. The National Highway  
13 Traffic Safety Administration is currently conducting research on tire  
14 aging and is studying consumer advisories. Therefore, the legislature  
15 finds and declares that in absence of any federal regulations, it is in  
16 the best interest of the state to require manufacturers to display the  
17 date of manufacture on both sides of any tires sold in this state, as  
18 well as to implement a public outreach campaign to inform consumers of  
19 the dangers of operating a motor vehicle with aged tires.  
20     S 2. Subdivision 35 of section 375 of the vehicle and traffic law is  
21 amended by adding a new paragraph (d) to read as follows:

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

LBD08439-01-9

1 (D)(I) NO TIRE SHALL BE MANUFACTURED, DISTRIBUTED, OFFERED FOR SALE OR  
2 SOLD IN THIS STATE FOR USE ON A PASSENGER VEHICLE, MULTI-PURPOSE PASSEN-  
3 GER VEHICLE OR LIGHT TRUCK UNLESS A DATE OF MANUFACTURE IS CLEARLY MOLD-  
4 ED ON BOTH SIDES OF THE TIRE IN A NON-CODED FASHION. FOR THE PURPOSES  
5 OF THIS PARAGRAPH, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEAN-  
6 INGS: (A) "LIGHT TRUCK" SHALL MEAN A MOTOR VEHICLE WITH A GROSS VEHICLE  
7 WEIGHT RATING OF LESS THAN TWENTY-SIX THOUSAND POUNDS WHICH IS EITHER  
8 DESIGNED FOR OFF-HIGHWAY OPERATION OR DESIGNED TO PERFORM AT LEAST ONE  
9 OF THE FOLLOWING FUNCTIONS: TRANSPORT MORE THAN TEN PERSONS, PROVIDE  
10 TEMPORARY LIVING QUARTERS, TRANSPORT PROPERTY IN AN OPEN BED, PROVIDE  
11 GREATER CARGO-CARRYING THAN PASSENGER-CARRYING VOLUME, OR PERMIT  
12 EXPANDED USE OF A PASSENGER VEHICLE FOR CARGO-CARRYING PURPOSES OR OTHER  
13 NONPASSENGER-CARRYING PURPOSES THROUGH THE REMOVAL OF SEATS; (B)  
14 "MULTI-PURPOSE PASSENGER VEHICLE" SHALL MEAN A MOTOR VEHICLE DESIGNED TO  
15 CARRY TEN PERSONS OR LESS WHICH IS CONSTRUCTED EITHER ON A TRUCK CHASSIS  
16 OR WITH SPECIAL FEATURES FOR OCCASIONAL OFF-ROAD OPERATION; AND (C)  
17 "PASSENGER VEHICLE" SHALL MEAN ANY MOTOR VEHICLE DESIGNED FOR CARRYING  
18 TEN PERSONS OR LESS.

19 (II) WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION, APPLICATION  
20 MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE  
21 STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL  
22 PROCEEDING TO ISSUE AN INJUNCTION AND UPON NOTICE TO THE DEFENDANT OF  
23 NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH  
24 VIOLATION OR TO ENFORCE THE PROVISIONS OF THIS SECTION; AND IF IT SHALL  
25 APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT  
26 HAS, IN FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE ISSUED BY SUCH  
27 COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATION, WITH-  
28 OUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR  
29 DAMAGED THEREBY. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF  
30 THIS SECTION HAS OCCURRED THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT  
31 MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION. IN CONNECTION WITH  
32 ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS AUTHORIZED TO  
33 TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND ISSUE  
34 SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.

35 S 3. 1. The governor's traffic safety committee, with the cooperation  
36 of the department of motor vehicles, the department of transportation,  
37 the division of state police, and any other department, division, board,  
38 bureau, commission, agency or public authority of the state or any poli-  
39 tical subdivision thereof deemed necessary by the committee, shall  
40 develop and implement a public outreach campaign to inform the general  
41 public of the dangers of operating a motor vehicle with aged tires.

42 Such campaign shall include, but not be limited to:

43 (a) The development of radio and television public service announce-  
44 ments informing the general public of the dangers of operating a motor  
45 vehicle with aged tires;

46 (b) Developing printed informational materials informing the general  
47 public of the dangers of operating a motor vehicle with aged tires,  
48 including a warning to the general public stating that:

49 "Testing has shown that tires have a much greater propensity to fail  
50 as they age and that both vehicle and tire manufacturers have recom-  
51 mended light trucks and passenger tires older than six years from the  
52 date of manufacture should not be used, particularly spares. Old tires  
53 can fail in use, causing loss of vehicle control and personal injury.  
54 Always reduce speed and drive cautiously if you must use an old tire in  
55 an emergency. Replace the tire as soon as possible. All tires should be  
56 replaced ten years after the date of their manufacture." Such informa-

1 tional material shall be available in both English and Spanish language  
2 versions;

3 (c) Distributing informational materials with each driver's license  
4 application and renewal, and with each motor vehicle registration and  
5 renewal;

6 (d) Making such informational materials available to the general  
7 public at all department of motor vehicle offices, all county offices  
8 that provide department of motor vehicle services;

9 (e) Making such informational materials available to motorists at all  
10 New York state automobile dealerships or any other office or agency that  
11 the governor's traffic safety committee deems appropriate;

12 (f) Coordinating educational efforts with other states and local agen-  
13 cies and not-for-profit organizations to warn of the dangers of operat-  
14 ing a motor vehicle with aged tires; and

15 (g) Encouraging existing traffic safety and driver education programs  
16 to include in their curricula information on avoiding operating a motor  
17 vehicle with aged tires, the need to reduce speed and the importance of  
18 driving cautiously if you must use an old tire in an emergency, and that  
19 all tires should be replaced ten years after the date of their manufac-  
20 ture.

21 2. The department of motor vehicles, the department of transportation  
22 and the division of state police, and any department, division, board,  
23 bureau, commission, agency, or public authority of the state or any  
24 political subdivision thereof deemed necessary by the governor's traffic  
25 safety committee, shall cooperate to the furthest extent possible in the  
26 development and implementation of this campaign.

27 S 4. This act shall take effect on the one hundred eightieth day after  
28 it shall have become a law and shall only apply to tires manufactured on  
29 or after such effective date.