

7944

2009-2010 Regular Sessions

I N   A S S E M B L Y

April 28, 2009

---

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

AN ACT to amend the vehicle and traffic law, in relation to overweight  
vehicles

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

1     Section 1. The opening paragraph and subdivision 18 of section 385 of  
2     the vehicle and traffic law, as amended by chapter 549 of the laws of  
3     1985, are amended to read as follows:  
4     No person shall operate or move, or cause or knowingly permit to be  
5     operated or moved on any highway or bridge thereon, in any county not  
6     wholly included within a city, any vehicle or combination of vehicles of  
7     a size or weight exceeding the limitations provided for in this section.  
8     Except as otherwise specifically provided in subdivision fifteen of this  
9     section, no person shall operate or move, or cause or knowingly permit  
10    to be operated or moved on any highway or bridge thereon, in any city  
11    not wholly included within one county, any vehicle or combination of  
12    vehicles of a size or weight exceeding the limitations provided for in  
13    the rules and regulations of the city department of transportation of  
14    such city adopted pursuant to section sixteen hundred forty-two of this  
15    chapter. IN ANY COUNTY NOT WHOLLY INCLUDED WITHIN A CITY, NO PERSON  
16    SHALL CAUSE OR KNOWINGLY PERMIT A VEHICLE OR COMBINATION OF VEHICLES TO  
17    BE LOADED, OR ACCEPT DELIVERY OF SUCH VEHICLE OR COMBINATION OF VEHICLES  
18    LOADED, TO A SIZE OR WEIGHT EXCEEDING THE LIMITATIONS PROVIDED FOR IN  
19    THIS SECTION OR PROVIDED FOR IN A PERMIT ISSUED PURSUANT TO THIS  
20    SECTION, WHICH VEHICLE OR COMBINATION OF VEHICLES SUBSEQUENTLY IS OPER-  
21    ATED OR MOVED ON ANY HIGHWAY OR BRIDGE THEREON AND SUCH PERSON KNEW OR  
22    HAD REASON TO KNOW OF SUCH OPERATION OR MOVEMENT. EXCEPT AS OTHERWISE  
23    SPECIFICALLY PROVIDED IN SUBDIVISION FIFTEEN OF THIS SECTION, IN ANY  
24    CITY NOT WHOLLY INCLUDED WITHIN ONE COUNTY, NO PERSON SHALL CAUSE OR  
25    KNOWINGLY PERMIT A VEHICLE OR COMBINATION OF VEHICLES TO BE LOADED, OR

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

LBD03735-01-9

1 ACCEPT DELIVERY OF SUCH A VEHICLE OR COMBINATION OF VEHICLES LOADED, TO  
2 A SIZE OR WEIGHT EXCEEDING THE LIMITATIONS PROVIDED FOR IN THE RULES AND  
3 REGULATIONS OF THE CITY DEPARTMENT OF TRANSPORTATION OF SUCH CITY  
4 ADOPTED PURSUANT TO SECTION SIXTEEN HUNDRED FORTY-TWO OF THIS CHAPTER OR  
5 PROVIDED FOR IN A PERMIT ISSUED PURSUANT THERETO AS AUTHORIZED BY THIS  
6 SECTION, WHICH VEHICLE OR COMBINATION OF VEHICLES SUBSEQUENTLY IS OPER-  
7 ATED OR MOVED ON ANY HIGHWAY OR BRIDGE THEREON AND SUCH PERSON KNEW OR  
8 HAD REASON TO KNOW OF SUCH OPERATION OR MOVEMENT.

9 18. Except as provided in subdivision nineteen of this section, the  
10 violation of the provisions of this section including a violation  
11 related to the operation, within a city not wholly included within one  
12 county, of a vehicle which exceeds the limitations provided for in the  
13 rules and regulations of the city department of transportation of such  
14 city, shall be punishable by a fine of not less than two hundred nor  
15 more than five hundred dollars, or by imprisonment for not more than  
16 thirty days, or by both such fine and imprisonment, for the first  
17 offense; by a fine of not less than five hundred nor more than one thou-  
18 sand dollars, or by imprisonment for not more than sixty days, or by  
19 both such fine and imprisonment, for the second or subsequent offense;  
20 provided that a sentence or execution thereof for any violation under  
21 this subdivision may not be suspended. For any violation of the  
22 provisions of this section, including a violation related to the opera-  
23 tion, within a city not wholly included within one county, of a vehicle  
24 which exceeds the limitations provided for in the rules and regulations  
25 of the city department of transportation of such city, the registration  
26 of the vehicle may be suspended for a period not to exceed one year  
27 whether at the time of the violation the vehicle was in THE charge of  
28 the REGISTERED owner or his OR HER agent OR LESSEE. The provisions of  
29 section five hundred ten of this chapter shall apply to such suspension  
30 except as otherwise provided [herein] IN THIS SECTION. A VIOLATION OF  
31 THIS SECTION RELATED TO LOADING OR RECEIVING A VEHICLE OR COMBINATION OF  
32 VEHICLES IN EXCESS OF THE WEIGHTS PERMITTED IN THIS SECTION, SHALL BE  
33 PUNISHABLE BY FINES LEVIED ON THE COMPANY WHOSE AGENTS OR EMPLOYEES  
34 COMMITTED SUCH VIOLATION. ENFORCEMENT OF THIS SECTION MAY INCLUDE THE  
35 UNANNOUNCED RANDOM CHECK OF A COMPANY'S SCALE RECORDS, WHETHER MAIN-  
36 TAINED ON PAPER OR COMPUTER, FOR A PERIOD NOT TO EXCEED TWENTY-FOUR  
37 HOURS PRIOR TO THE DATE OF INSPECTION.

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