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

105--B

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to the transportation of loose substances in open vehicles

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

Section 1. Section 380-a of the vehicle and traffic law, as added by chapter 418 of the laws of 1975 and subdivision 1 as amended by chapter 369 of the laws of 1987, is amended to read as follows:

S 380-a. Certain vehicles engaged in the transportation of loose cargo. 1. It shall be unlawful [to operate on any public highway any open truck or trailer being utilized for the transportation of any loose substances, unless said truck or trailer has a cover, tarpaulin or other device of a type and specification approved by the commissioner of transportation which completely closes in the opening on the said truck or trailer while said truck or trailer shall be so operated, so as to prevent the falling of any such substances therefrom. However, if the load is arranged so that no loose substance can fall from or blow out of such truck, the covering is not necessary.] FOR A COMMERCIAL OPERATOR OF A MOTOR VEHICLE TO TRANSPORT LOOSE SUBSTANCES IN AN OPEN VEHICLE WITHOUT THE USE OF A MECHANISM, APPROVED BY THE COMMISSIONER OF TRANSPORTATION, TO PREVENT LOOSE SUBSTANCES FROM BECOMING DISLODGED OR REMOVED FROM SUCH VEHICLE DURING TRANSPORT.

2. IT SHALL BE UNLAWFUL FOR A COMMERCIAL OPERATOR OF A MOTOR VEHICLE TO TRANSPORT LOOSE SUBSTANCES IN A VEHICLE WITHOUT THE USE OF SPLASH GUARDS, APPROVED BY THE COMMISSIONER OF MOTOR VEHICLES, TO PREVENT SUBSTANCES FROM BEING THROWN BY SUCH VEHICLE DURING TRAVEL.

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

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[2.] 3. The commissioner of transportation is authorized to make necessary rules and regulations to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods and practices to effectuate such provisions.

[3.] 4. The provisions of this section shall not apply to motor vehicles, trailers and semitrailers conveying "farm products" as defined in section two of the agriculture and markets law.

S 2. This act shall take effect one year after it shall have become a law.