

1349

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to prohibiting commercial vehicles from stopping and standing

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

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 19-170.1 to read as follows:
3 S 19-170.1 LIMITATION ON STOPPING AND STANDING OF COMMERCIAL VEHICLES.
4 A. WHEN STOPPING IS PROHIBITED BY THIS TITLE, OR BY LOCAL LAW, ORDI-
5 NANCE, ORDER, RULE, OR REGULATION, NO PERSON SHALL STOP OR STAND A
6 COMMERCIAL VEHICLE, EXCEPT WHEN NECESSARY TO AVOID CONFLICT WITH OTHER
7 TRAFFIC OR IN COMPLIANCE WITH THE DIRECTIONS OF A POLICE OFFICER OR
8 TRAFFIC-CONTROL SIGN OR SIGNAL. FOR THE PURPOSES OF THIS SECTION, THE
9 TERM COMMERCIAL VEHICLE SHALL MEAN A MOTOR VEHICLE DESIGNED, MAINTAINED,
10 OR USED PRIMARILY FOR THE TRANSPORTATION OF PROPERTY OR A MOTOR VEHICLE
11 HAVING A SEATING CAPACITY OF FIFTEEN OR MORE PASSENGERS IN ADDITION TO
12 THE DRIVER AND USED FOR THE TRANSPORTATION OF PERSONS.
13 B. WHEN STANDING IS PROHIBITED BY THIS TITLE, OR BY LOCAL LAW, ORDI-
14 NANCE, ORDER, RULE OR REGULATION, NO PERSON SHALL STAND OR PARK A
15 COMMERCIAL VEHICLE, WHETHER OCCUPIED OR NOT, BUT MAY STOP TEMPORARILY
16 FOR THE PURPOSE OF AND WHILE ACTUALLY ENGAGED IN LOADING OR UNLOADING
17 MERCHANDISE OR PASSENGERS.
18 C. WHERE A COMMERCIAL VEHICLE IS IN VIOLATION OF THIS SECTION, IT
19 SHALL BE AN AFFIRMATIVE DEFENSE TO SAID VIOLATION, WITH THE BURDEN OF
20 PROOF ON THE PERSON WHO RECEIVED THE SUMMONS, THAT HE OR SHE WAS ACTIVE-
21 LY ENGAGED IN BUSINESS AT THE TIME THE SUMMONS WAS ISSUED AT A PREMISES
22 LOCATED WITHIN THREE CITY BLOCKS OF WHERE THE SUMMONS WAS ISSUED.
23 D. THIS SECTION SHALL NOT APPLY TO VEHICLES OWNED OR OPERATED BY GAS
24 OR OIL HEAT SUPPLIERS OR GAS OR OIL HEAT SYSTEMS MAINTENANCE COMPANIES,
25 THE AGENTS OR EMPLOYEES THEREOF, OR ANY PUBLIC UTILITY.

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

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1 E. THIS SECTION SHALL NOT APPLY TO STATE AND LOCAL MUNICIPAL VEHICLES.
2 F. A VIOLATION OF THIS SECTION SHALL BE PUNISHABLE IN ACCORDANCE WITH
3 THE POINT SYSTEM PURSUANT TO PART ONE HUNDRED THIRTY-ONE OF SUBCHAPTER J
4 OF CHAPTER ONE OF TITLE FIFTEEN OF THE NYCRR.

5 G. ANY COMMERCIAL VEHICLE STOPPING OR STANDING IN VIOLATION OF THIS
6 SECTION SHALL BE SUBJECT TO IMPOUNDMENT BY THE DEPARTMENT. THE COMMIS-
7 SIONER SHALL BE AUTHORIZED TO PROMULGATE REGULATIONS CONCERNING THE
8 PROCEDURE FOR THE IMPOUNDMENT OF SUCH COMMERCIAL VEHICLES.

9 H. THE SANCTIONS AND FEES PROVIDED FOR IN THIS SECTION SHALL BE IN
10 ADDITION TO ANY OTHER SANCTIONS, FEES, OR REMEDIES PROVIDED BY LAW OR
11 REGULATION.

12 S 2. This act shall take effect immediately.