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

2198

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

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

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to convex mirrors

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

Section 1. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 10-e to read as follows:

10-E. EVERY TRUCK, TRACTOR, AND TRACTOR-TRAILER OR SEMITRAILER COMBINATION REGISTERED IN THIS STATE HAVING A GROSS VEHICLE WEIGHT RATING OF TWENTY-SIX THOUSAND POUNDS OR MORE, WHENEVER OPERATED WITHIN CITIES HAVING A POPULATION OF ONE MILLION OR MORE ON HIGHWAYS OTHER THAN CONTROLLED-ACCESS HIGHWAYS, SHALL BE EQUIPPED WITH A CONVEX MIRROR ON THE FRONT OF SUCH VEHICLE OR COMBINATION OF VEHICLES. WHEN SUCH VEHICLE OR COMBINATION OF VEHICLES IS BEING OPERATED, SUCH MIRROR SHALL BE ADJUSTED SO AS TO ENABLE THE OPERATOR THEREOF TO SEE ALL POINTS ON AN IMAGINARY HORIZONTAL LINE WHICH: (I) IS THREE FEET ABOVE THE ROAD, (II) IS ONE FOOT DIRECTLY FORWARD FROM THE MIDPOINT OF THE FRONT OF SUCH MOTOR VEHICLE, AND (III) EXTENDS THE FULL WIDTH OF THE FRONT OF SUCH VEHICLE OR COMBINATION OF VEHICLES. PROVIDED, HOWEVER, THAT THE COMMISSIONER:

A. IN CONSULTATION WITH THE COMMISSIONER OF TRANSPORTATION, MAY PROMULGATE RULES AND REGULATIONS EXEMPTING FROM THE REQUIREMENTS OF THIS SUBDIVISION ANY VEHICLE OR COMBINATION OF VEHICLES WHERE THE COMMISSIONER HAS DETERMINED THAT THE USE OF SUCH CONVEX MIRRORS WOULD NOT INCREASE THE VISIBILITY OF PERSONS OR OBJECTS LOCATED DIRECTLY IN FRONT OF SUCH VEHICLE OR COMBINATION OF VEHICLES;

B. ACTING UPON REQUEST OF THE COMMISSIONER OF TRANSPORTATION FOR A CITY HAVING A POPULATION OF ONE MILLION OR MORE, MAY EXEMPT ADDITIONAL HIGHWAYS, STREETS, OR ROADS FROM THE REQUIREMENTS OF THIS SUBDIVISION, BASED ON DATA SUFFICIENT TO DEMONSTRATE TO THE COMMISSIONER THAT THE LIKELIHOOD OF A COLLISION WITH PEDESTRIANS IS SEVERELY LIMITED, OR THAT

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

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SERVICE DELIVERIES ON THE HIGHWAY, STREET, OR ROAD ARE EXTREMELY LIMITED;

C. MAY PROVIDE THE OPPORTUNITY TO USE ALTERNATE MEANS OF COMPLIANCE WHICH WOULD ACCOMPLISH THE GOAL AND INTENT OF THIS SECTION, THROUGH BUT NOT LIMITED TO SUCH MEANS AS CAMERAS, INFRARED DEVICES, OR OTHER EQUIPMENT.

S 2. Section 2336 of the insurance law is amended by adding a new subsection (i) to read as follows:

(I) ANY SCHEDULE OF RATES OR RATING PLAN FOR TRUCKING LIABILITY INSURANCE SUBMITTED TO THE SUPERINTENDENT MAY PROVIDE FOR AN ACTUARIALLY APPROPRIATE REDUCTION IN PREMIUM CHARGES FOR ANY INSURED WHO HAS COMPLIED WITH THE REQUIREMENTS OF SUBDIVISION TEN-E OF SECTION THREE HUNDRED SEVENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

S 3. This act shall be deemed repealed if any federal agency or any court of competent jurisdiction determines that this act would render New York state ineligible for the receipt of federal funds.

S 4. Severability. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date; and provided that the commissioner of the department of motor vehicles shall notify the legislative bill drafting commission upon the occurrence of the provisions of section three of this act in order that the commission may maintain an accurate data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.