

2478

2009-2010 Regular Sessions

I N S E N A T E

February 20, 2009

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

AN ACT to amend the agriculture and markets law, in relation to the powers and duties of the commissioner; and to amend the vehicle and traffic law in relation to the transportation of bulk milk

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

1 Section 1. Subdivision 4 of section 16 of the agriculture and markets
2 law, such section as renumbered by chapter 16 of the laws of 1935, is
3 amended to read as follows:

4 4. Investigate the sources of food supply for the state, the
5 production, transportation, storage, marketing and distribution of food
6 sold, offered for sale, stored or held within the state, the cost OR
7 BARRIERS of transportation to the leading centers of population and of
8 distribution to consumers.

9 S 2. Subdivision 11 of section 16 of the agriculture and markets law,
10 as amended by chapter 267 of the laws of 1970, is amended to read as
11 follows:

12 11. Co-operate with the commissioner of transportation with the view
13 of obtaining suitable, expeditious and economical facilities for the
14 shipment of food, and recommend as to the action to be taken by such
15 commissioner to avoid and prevent unfair discrimination in such shipment
16 and unreasonable delay OR BARRIERS in the transportation thereof, and to
17 obtain fair and reasonable rates for such transportation.

18 S 3. Paragraph (d) of subdivision 15 of section 385 of the vehicle and
19 traffic law, as amended by section 3 of part C of chapter 59 of the laws
20 of 2004, is amended to read as follows:

21 (d) Except during storms, floods, fires or other public emergencies,
22 no such permit may be issued to include a towing operation involving
23 more than two vehicles except three vehicle combinations consisting of a
24 tractor, semitrailer and trailer or a tractor and two trailers within

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

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1 legal weight and width limits proceeding to or from any qualifying high-
2 way or access highway. Every such permit may designate the route to be
3 traversed and contain any other restrictions or conditions deemed neces-
4 sary by the issuing authority. Every such permit shall be carried on the
5 vehicle to which it refers and shall be open to the inspection of any
6 peace officer, acting pursuant to his special duties, or police officer,
7 or any other officer or employee authorized to enforce this section. All
8 permits issued shall be revocable by the authority issuing them at the
9 discretion of the authority without a hearing or the necessity of show-
10 ing cause. Except for a vehicle having a maximum gross weight not
11 exceeding eighty thousand pounds without regard to any axle weight limi-
12 tation set forth herein or the maximum gross weight established by the
13 formula commonly referred to as the bridge formula as set forth in
14 subdivision ten of this section and except for state or municipally-
15 owned single vehicles engaged in snow and ice control operations, or
16 designed or fitted for snow and ice control operations while engaged in
17 other public works operations on public highways which do not exceed the
18 weight limits contained in subdivision seventeen-a of this section, no
19 permit shall be issued to allow operation or movement of any vehicle or
20 combination of vehicles whose weight exceeds the limitations otherwise
21 prescribed in this section other than an annual permit issued pursuant
22 to paragraph (f) of this subdivision except upon a finding by the
23 department of transportation or the appropriate authority, as the case
24 may be, that the load proposed is of one piece or item or otherwise
25 cannot be separated into units of less weight provided, however, that
26 any such permit issued upon such finding shall not be valid for the
27 operation or movement of such vehicles on any state or other highway
28 within any city not wholly included within one county. PROVIDED, HOWEV-
29 ER, A PERMIT FOR THE TRANSPORTATION OF BULK MILK SHALL BE VALID ON ANY
30 STATE OR OTHER HIGHWAY UNLESS SUCH VEHICLE OR ANY COMBINATION OF VEHI-
31 CLES TRANSPORTING SUCH MILK EXCEEDS LIMITATIONS ON SUCH STATE OR OTHER
32 HIGHWAY AS DETERMINED BY THE DEPARTMENT OF TRANSPORTATION OR WITHIN ANY
33 CITY NOT WHOLLY CONTAINED WITHIN ONE COUNTY BY THE DEPARTMENT OF TRANS-
34 PORTATION AND THE DEPARTMENT OF TRANSPORTATION OF SUCH CITY. Bulk milk
35 may be considered one piece or item.

36 S 4. This act shall take effect immediately.