

5226--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sens. DILAN, DIAZ, HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Codes -- 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 requiring surfaces of certain motor vehicles to be cleared of accumulated snow, sleet, or hail

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

- 1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1229-e to read as follows:
3 S 1229-E. CLEARANCE OF SNOW, SLEET, AND HAIL. 1. NO PERSON SHALL OPER-
4 ATE A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY WHILE THERE IS AN
5 ACCUMULATION OF SNOW, SLEET, OR HAIL ON THE ROOF OR CARGO BED SURFACES
6 THEREOF, WHETHER OF ANY OCCUPANT COMPARTMENT, TRAILER, OR OTHER CARGO
7 COMPARTMENT IN EXCESS OF THREE INCHES.
8 2. THE REMOVAL OF ACCUMULATED SNOW, SLEET, OR HAIL REQUIRED BY SUBDI-
9 VISION ONE OF THIS SECTION SHALL NOT APPLY DURING THE FALLING OF SNOW,
10 SLEET, OR HAIL OR WITHIN THREE HOURS AFTER THE CESSATION OF THE FALLING
11 THEREOF.
12 3. (A) THE OPERATOR OF A NON-COMMERCIAL VEHICLE IN VIOLATION OF THE
13 PROVISIONS OF THIS SECTION, EXCLUDING A DISABLED OPERATOR, SHALL BE
14 SUBJECT TO A FINE OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS NOR MORE
15 THAN EIGHT HUNDRED FIFTY DOLLARS.
16 (B) THE OPERATOR, OWNER, LESSEE, BAILEE OR ANY ONE OF THE AFORESAID IF
17 A COMMERCIAL MOTOR VEHICLE SHALL BE SUBJECT TO A FINE OF NOT LESS THAN
18 FOUR HUNDRED FIFTY DOLLARS NOR MORE THAN TWELVE HUNDRED FIFTY DOLLARS.
19 4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY AUTOMOBILE
20 TRANSPORTER, MOTORCYCLE, OR AUTHORIZED EMERGENCY VEHICLE.

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

LBD06338-04-9

1 S 2. Section 125 of the vehicle and traffic law, as amended by chapter
2 365 of the laws of 2008, is amended to read as follows:

3 S 125. Motor vehicles. Every vehicle operated or driven upon a public
4 highway which is propelled by any power other than muscular power,
5 except (a) electrically-driven mobility assistance devices operated or
6 driven by a person with a disability, (a-1) electric personal assistive
7 mobility devices operated outside a city with a population of one
8 million or more, (b) vehicles which run only upon rails or tracks, (c)
9 snowmobiles as defined in article forty-seven of this chapter, and (d)
10 all terrain vehicles as defined in article forty-eight-B of this chap-
11 ter. For the purposes of title four of this chapter, the term motor
12 vehicle shall exclude fire and police vehicles other than ambulances.
13 For the purposes of titles four and five, AND SECTION TWELVE HUNDRED
14 TWENTY-NINE-E of this chapter the term motor vehicles shall exclude farm
15 type tractors and all terrain type vehicles used exclusively for agri-
16 cultural purposes, or for snow plowing, other than for hire, farm equip-
17 ment, including self-propelled machines used exclusively in growing,
18 harvesting or handling farm produce, and self-propelled caterpillar or
19 crawler-type equipment while being operated on the contract site.

20 S 3. This act shall take effect on the first of November next succeed-
21 ing the date on which it shall have become a law.