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

3220

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. EDDINGTON -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the violation of weight standards for vehicles

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

Section 1. Paragraphs (a), (c) and (d) of subdivision 19 of section 385 of the vehicle and traffic law, paragraph (a) as added by section 6 of part C and the opening paragraphs of paragraphs (c) and (d) as amended by section 7 of part C of chapter 59 of the laws of 2004, paragraphs (c) and (d) as added by chapter 929 of the laws of 1985, are amended to read as follows:

(a) A violation of the provisions of subdivision eight, nine, or ten of this section by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or a violation of such rules and regulations, by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section or such rules and regulations, or a violation of the weight limitations specified by permit issued pursuant to subdivision fifteen of this section shall be punishable by fines levied on the registered owner of the vehicle or vehicles, REGARDLESS whether at the time of the violation the vehicle was in the charge of the registered owner or the owner's agent or lessee in accordance with the following schedule:

Percent of excess weight (percentage) greater than	less than or equal to	Amount of fine (dollars)	FIRST OFFENSE	SECOND AND SUBSEQUENT OFFENSES
0	2.0	[150]	300	1500
2.0	4.0	[300]	600	3,000
4.0	6.0	[450]	900	4,000
6.0	7.0	[525]	1,050	5,250

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

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7.0	8.0	[600]	1,200	6,000
8.0	10.0	[750]	1,500	7,500
10.0	12.0	[950]	1,900	9,500
12.0	14.0	[1,150]	2,300	11,500
14.0	16.0	[1,350]	2,700	13,500
16.0	18.0	[1,550]	3,100	15,500
18.0	20.0	[1,750]	3,500	17,500
20.0	22.0	[1,950]	3,900	19,500
22.0	24.0	[2,150]	4,300	21,500
24.0	26.0	[2,350]	4,700	23,500
26.0	28.0	[2,550]	5,100	25,500
28.0	30.0	[2,750]	5,500	27,500
30.0	32.0	[2,950]	5,900	29,500
32.0	34.0	[3,150]	6,300	31,500
34.0	36.0	[3,350]	6,700	33,500
36.0	38.0	[3,550]	7,100	35,500
38.0	40.0	[3,750]	7,500	37,500
40.0 or greater		[3,750] plus $125 for each percent over 40 percent]	7,500	37,500

(NOTE: Where the total weight, axle weight or axle grouping weight is greater than seven percent including any applicable enforcement scale tolerance in excess of the limits specified by a permit in areas outside a city not wholly contained in one county, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.)

(c) Notwithstanding paragraphs (a) and (b) of this subdivision, a violation of the provisions of subdivision ten of this section in a city not wholly included within one county or of the provisions of the rules or regulations of the city department of transportation setting forth the maximum allowable gross weight for the operation of a vehicle in such city without a permit for such vehicle, by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or such rules and regulations, or the weight limitations specified by permit issued pursuant to subdivision fifteen of this section (excluding enforcement scale tolerance not to exceed five percent) shall be punishable by fines levied on the registered owner of the vehicle or vehicles, REGARDLESS whether at the time of the violation the vehicle was in the charge of the registered owner or his agent or lessee in accordance with the following schedule:

Excess Total Weight (pounds) greater than	less than or equal to	Amount of Fine (dollars)	FIRST OFFENSE	SECOND AND SUBSEQUENT OFFENSES
0	2,000	[50]	100	500
2,000	3,000	[75]	150	750
3,000	4,000	[100]	200	1,000
4,000	5,000	[200]	400	2,000
5,000	6,000	[300]	600	3,000
6,000	7,000	[400]	800	4,000
7,000	8,000	[500]	1,000	5,000
8,000	9,000	[600]	1,200	6,000

9,000	10,000	[700]	1,400	7,000
10,000	15,000	[1,200]	2,400	12,000
15,000	20,000	[1,700]	3,400	17,000
20,000	25,000	[2,200]	4,400	22,000
25,000	30,000	[2,700]	5,400	27,000
30,000	35,000	[3,200]	6,400	32,000
35,000	40,000	[3,700]	7,400	37,000
40,000	45,000	[4,200]	8,400	42,000
45,000	50,000 or greater	[4,700]	9,400	47,000

(NOTE: Where the excess total weight is greater than the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.)

(d) Notwithstanding paragraphs (a) and (b) of this subdivision, a violation of the provisions of subdivisions eight and nine of this section in a city not wholly included within one county or of the provisions of the rules or regulations of the city department of transportation setting forth the maximum allowable axle or tandem axle weight for the operation of a vehicle in such city without a permit for such vehicle, by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or such rules or regulations, or the weight limitations specified by permit issued pursuant to subdivision fifteen of this section shall be punishable by fines levied on the registered owner of the vehicle or vehicles, REGARDLESS whether at the time of the violation the vehicle was in the charge of the registered owner, or his agent, or lessee, in accordance with the following schedule:

Percent of excess weight (percentage) greater than	less than or equal to	Amount of Fine (dollars)	FIRST OFFENSE	SECOND AND SUBSEQUENT OFFENSES
0	5.0	[100]	200	1,000
5.0	10.0	[200]	400	2,000
10.0	15.0	[350]	700	3,500
15.0	20.0	[600]	1,200	6,000
20.0	25.0	[1000]	2,000	10,000
25.0	30.0	[1600]	3,200	16,000
30.0	35.0	[2450]	4,900	24,500
35.0	40.0	[3600]	7,200	36,000
40.0	45.0	[5100]	10,200	51,000
45.0		[7000]	14,000	70,000

(NOTE: Where the excess axle or axles weight is greater than the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.)

S 2. This act shall take effect immediately.