

6569

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. BURLING, FINCH, TOWNSEND, McDONOUGH, McKEVITT,
HAWLEY -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, CROUCH, ERRI-
GO, SPANO, WALKER -- read once and referred to the Committee on
Governmental Operations

AN ACT to create a temporary state commission to study and investigate
the problems associated with automotive safety and providing for the
repeal of such provisions upon expiration thereof

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

1 Section 1. A temporary state commission, to be known as the temporary
2 state commission on automotive safety, is hereby created to make a
3 complete study and investigation of the problems associated with vehicle
4 tires and tire tread separations; differential of damage caused by sport
5 utility vehicles (SUVs), pickup trucks, and trucks to smaller vehicles
6 during collisions; accidents caused from the modification of vehicle
7 design from the original manufacturer's design; and child safety
8 restraints.
9 S 2. a. Such commission shall consist of a total of fifteen members
10 appointed by the governor. Two such appointments shall be upon recommen-
11 dation of the temporary president of the senate, two such appointments
12 shall be upon recommendation of the speaker of the assembly, one such
13 appointment shall be upon recommendation of the minority leader of the
14 senate, and one such appointment shall be upon recommendation of the
15 minority leader of the assembly. Of the remaining nine appointments, two
16 shall be representatives of the automotive manufacturing industry, two
17 shall be representatives of automotive safety organizations, two shall
18 be representatives of the tire manufacturing industry, and three shall
19 be members of the general public. Nine members of the commission shall
20 constitute a quorum for the transaction of any business of the commis-
21 sion.

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

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1 b. The commissioner of transportation or his or her designee shall
2 serve as chair of the commission.

3 c. Except as provided in subdivision a of this section, no member,
4 officer or employee of the commission shall be disqualified from holding
5 any other public office or employment, nor shall he or she forfeit any
6 such office or employment by reason of his or her appointment hereunder,
7 notwithstanding the provisions of any general, special or local law,
8 ordinance or city charter.

9 S 3. The department of transportation shall provide the commission
10 such facilities, assistance, and data as will enable the commission to
11 carry out its powers and duties. Additionally, all other departments or
12 agencies of the state or subdivisions thereof shall, at the request of
13 the chair, provide the commission such facilities, assistance, and data
14 as will enable the commission to carry out its powers and duties.

15 S 4. The members of the commission shall receive no compensation for
16 their services, but shall be allowed their actual and necessary expenses
17 incurred in the performance of their duties hereunder.

18 S 5. The commission may employ and at pleasure remove such personnel
19 as it may deem necessary for the performance of its functions and fix
20 their compensation within the amounts made available by appropriation
21 therefor. The commission may meet and hold public and/or private hear-
22 ings within or without the state, and shall have all the powers of a
23 legislative committee pursuant to the legislative law.

24 S 6. For the accomplishment of its purposes, the commission shall be
25 authorized and empowered to undertake any studies, inquiries, surveys or
26 analyses it may deem relevant through its own personnel or in cooper-
27 ation with or by agreement with any other public or private agency.

28 S 7. The commission may request and shall receive from any court in
29 the state and from any subdivision, department, board, bureau, commis-
30 sion, office, agency or other instrumentality of the state or of any
31 political subdivision thereof such facilities, assistance and data as it
32 deems necessary or desirable for the proper execution of its powers and
33 duties and to effectuate the purposes herein set forth.

34 S 8. The commission is hereby authorized and empowered to enter into
35 any agreements and to do and perform any acts that may be necessary,
36 desirable or proper to carry out the purposes and objectives of this
37 act.

38 S 9. a. The commission shall make a report of its findings. Such
39 report shall include findings detailing the problems and any possible
40 solutions associated with the following issues:

41 1. Vehicle tires and tire tread separations;

42 2. Differential of damage caused by sport utility vehicles (SUVs),
43 pickup trucks, and trucks to smaller vehicles during collisions;

44 3. Accidents caused from the modification of vehicle design from the
45 original manufacturer's design; and

46 4. Child safety restraints.

47 b. The commission shall submit such report developed by it, including
48 any recommendations for legislative action as it may deem necessary and
49 appropriate, to the governor, the temporary president of the senate and
50 the speaker of the assembly no later than the thirty-first day of Decem-
51 ber in the year next succeeding the year in which this act shall have
52 become a law.

53 S 10. This act shall take effect immediately and shall continue in
54 full force and effect until the thirty-first day of December in the year
55 next succeeding the year in which it shall have become a law, when upon
56 such date the provisions of this act shall be deemed repealed.