

7944

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to overweight
vehicles

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

1 Section 1. The opening paragraph and subdivision 18 of section 385 of
2 the vehicle and traffic law, as amended by chapter 549 of the laws of
3 1985, are amended to read as follows:
4 No person shall operate or move, or cause or knowingly permit to be
5 operated or moved on any highway or bridge thereon, in any county not
6 wholly included within a city, any vehicle or combination of vehicles of
7 a size or weight exceeding the limitations provided for in this section.
8 Except as otherwise specifically provided in subdivision fifteen of this
9 section, no person shall operate or move, or cause or knowingly permit
10 to be operated or moved on any highway or bridge thereon, in any city
11 not wholly included within one county, any vehicle or combination of
12 vehicles of a size or weight exceeding the limitations provided for in
13 the rules and regulations of the city department of transportation of
14 such city adopted pursuant to section sixteen hundred forty-two of this
15 chapter. IN ANY COUNTY NOT WHOLLY INCLUDED WITHIN A CITY, NO PERSON
16 SHALL CAUSE OR KNOWINGLY PERMIT A VEHICLE OR COMBINATION OF VEHICLES TO
17 BE LOADED, OR ACCEPT DELIVERY OF SUCH VEHICLE OR COMBINATION OF VEHICLES
18 LOADED, TO A SIZE OR WEIGHT EXCEEDING THE LIMITATIONS PROVIDED FOR IN
19 THIS SECTION OR PROVIDED FOR IN A PERMIT ISSUED PURSUANT TO THIS
20 SECTION, WHICH VEHICLE OR COMBINATION OF VEHICLES SUBSEQUENTLY IS OPER-
21 ATED OR MOVED ON ANY HIGHWAY OR BRIDGE THEREON AND SUCH PERSON KNEW OR
22 HAD REASON TO KNOW OF SUCH OPERATION OR MOVEMENT. EXCEPT AS OTHERWISE
23 SPECIFICALLY PROVIDED IN SUBDIVISION FIFTEEN OF THIS SECTION, IN ANY
24 CITY NOT WHOLLY INCLUDED WITHIN ONE COUNTY, NO PERSON SHALL CAUSE OR
25 KNOWINGLY PERMIT A VEHICLE OR COMBINATION OF VEHICLES TO BE LOADED, OR

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

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1 ACCEPT DELIVERY OF SUCH A VEHICLE OR COMBINATION OF VEHICLES LOADED, TO
2 A SIZE OR WEIGHT EXCEEDING THE LIMITATIONS PROVIDED FOR IN THE RULES AND
3 REGULATIONS OF THE CITY DEPARTMENT OF TRANSPORTATION OF SUCH CITY
4 ADOPTED PURSUANT TO SECTION SIXTEEN HUNDRED FORTY-TWO OF THIS CHAPTER OR
5 PROVIDED FOR IN A PERMIT ISSUED PURSUANT THERETO AS AUTHORIZED BY THIS
6 SECTION, WHICH VEHICLE OR COMBINATION OF VEHICLES SUBSEQUENTLY IS OPER-
7 ATED OR MOVED ON ANY HIGHWAY OR BRIDGE THEREON AND SUCH PERSON KNEW OR
8 HAD REASON TO KNOW OF SUCH OPERATION OR MOVEMENT.

9 18. Except as provided in subdivision nineteen of this section, the
10 violation of the provisions of this section including a violation
11 related to the operation, within a city not wholly included within one
12 county, of a vehicle which exceeds the limitations provided for in the
13 rules and regulations of the city department of transportation of such
14 city, shall be punishable by a fine of not less than two hundred nor
15 more than five hundred dollars, or by imprisonment for not more than
16 thirty days, or by both such fine and imprisonment, for the first
17 offense; by a fine of not less than five hundred nor more than one thou-
18 sand dollars, or by imprisonment for not more than sixty days, or by
19 both such fine and imprisonment, for the second or subsequent offense;
20 provided that a sentence or execution thereof for any violation under
21 this subdivision may not be suspended. For any violation of the
22 provisions of this section, including a violation related to the opera-
23 tion, within a city not wholly included within one county, of a vehicle
24 which exceeds the limitations provided for in the rules and regulations
25 of the city department of transportation of such city, the registration
26 of the vehicle may be suspended for a period not to exceed one year
27 whether at the time of the violation the vehicle was in THE charge of
28 the REGISTERED owner or his OR HER agent OR LESSEE. The provisions of
29 section five hundred ten of this chapter shall apply to such suspension
30 except as otherwise provided [herein] IN THIS SECTION. A VIOLATION OF
31 THIS SECTION RELATED TO LOADING OR RECEIVING A VEHICLE OR COMBINATION OF
32 VEHICLES IN EXCESS OF THE WEIGHTS PERMITTED IN THIS SECTION, SHALL BE
33 PUNISHABLE BY FINES LEVIED ON THE COMPANY WHOSE AGENTS OR EMPLOYEES
34 COMMITTED SUCH VIOLATION. ENFORCEMENT OF THIS SECTION MAY INCLUDE THE
35 UNANNOUNCED RANDOM CHECK OF A COMPANY'S SCALE RECORDS, WHETHER MAIN-
36 TAINED ON PAPER OR COMPUTER, FOR A PERIOD NOT TO EXCEED TWENTY-FOUR
37 HOURS PRIOR TO THE DATE OF INSPECTION.

38 S 2. This act shall take effect on the sixtieth day after it shall
39 have become a law.