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

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2009-2010 Regular Sessions

I N A S S E M B L Y

May 28, 2009

Introduced by M. of A. GANTT -- (at request of the Department of Transportation) -- read once and referred to the Committee on Transportation

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

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

Section 1. Paragraph (a) of subdivision 15 of section 385 of the vehicle and traffic law, as amended by section 1 of part C of chapter 59 of the laws of 2004, is amended to read as follows:

(a) The commissioner of transportation is hereby authorized to continue to grant permits, and to charge fees therefor, for the operation or movement of a vehicle or combination of vehicles having weights or dimensions which exceed the limitations provided for in this section upon any highway under his or her jurisdiction except that such permit shall not be valid for the operation or movement of such vehicles on any state or other highway within any city not wholly included within one county. Such permits shall be issued in accordance with the terms and conditions contained in rules and regulations governing special hauling permits which have been or shall be promulgated by the commissioner of transportation and which may include, but not be limited to, a requirement that a vehicle or combination of vehicles being issued a permit shall be accompanied by one or more escort vehicles which is being operated by an individual having a valid escort certificate issued by the commissioner. The commissioner of transportation is authorized to promulgate rules and regulations governing the operation, use and equipment of escort vehicles and the duties and responsibilities of the operator of an escort vehicle. Any finding by the commissioner of transportation that an individual has violated such rules and regulations shall be grounds for the cancellation of an individual's escort certificate and a penalty not to exceed five hundred dollars per occurrence for the

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

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first violation and not to exceed one thousand dollars per occurrence for each subsequent violation. Prior to issuing such a finding, the commissioner of transportation shall afford an individual the right to a hearing pursuant to section one hundred forty-five of the transportation law. Such rules and regulations shall take into consideration, but shall not be limited to, the safety of the traveling public and the protection of the highways and the environment. Such rules and regulations shall also contain a schedule of fees to be charged for the issuance of such permits which fees shall cover, but shall not be limited to, the costs to the department of transportation for the administration of the permit program, and shall permit the commissioner of transportation to levy a surcharge of up to twenty dollars for the issuance and distribution of special hauling permits at regional offices of the department of transportation. The annual vehicle fee for a permit issued pursuant to subparagraphs (i), (ii), (ii-a) and (iii) of paragraph (f) of this subdivision shall be three hundred sixty dollars for vehicles with less than five axles, seven hundred fifty dollars for vehicles with five or six axles and nine hundred dollars for vehicles with seven or more axles. The annual vehicle fee for a permit issued pursuant to subparagraphs (iv), (v), and (vi) of paragraph (f) of this subdivision shall be four hundred eighty dollars for vehicles with less than five axles and one thousand dollars for vehicles with five or more axles. Additionally, the commissioner shall establish a fee schedule for the permitting of extra non-power combination units that may not exceed twenty-five dollars per vehicle and may offer discounts for multi-trailer registrations. Such fees shall not be charged to municipalities in this state AND THE COMMISSIONER OF TRANSPORTATION IS HEREBY AUTHORIZED TO ISSUE PERMITS TO MUNICIPALITIES FOR DURATIONS GREATER THAN ONE YEAR. If the permit has routing requirements, such rules and regulations shall provide that if the routing anticipates the use of highways not under the jurisdiction of the commissioner of transportation, then he or she shall immediately notify the municipality or municipalities, having jurisdiction over such highway that an application for a permit has been received and request comment thereon. Said municipality or municipalities shall not have less than fifteen days to comment. Such rules and regulations shall also contain any other requirements deemed necessary by the commissioner of transportation.

S 2. Paragraph b of subdivision 9 of section 401 of the vehicle and traffic law, as amended by chapter 847 of the laws of 1968, is amended to read as follows:

b. Where a vehicle registered under the provisions of [subdivisions] SUBDIVISION seven or eight of this section on the basis of maximum gross weight requires a corrected registration because of a load in excess of the maximum load as certified in the application for registration, or the registrant desires to register the vehicle at a lower gross maximum weight, an application shall be made for correct registration; PROVIDED, HOWEVER, THAT WHEN AN OVERWEIGHT PERMIT IS ISSUED PURSUANT TO SUBDIVISION FIFTEEN OF SECTION THREE HUNDRED EIGHTY-FIVE OF THIS CHAPTER FOR A VEHICLE WITH EXTRA LEGAL WEIGHTS AND SUCH VEHICLE IS REGISTERED AT THE MAXIMUM WEIGHT AT WHICH SUCH VEHICLE MAY BE REGISTERED PURSUANT TO SUBDIVISION TEN, SUBDIVISION SEVENTEEN-A OR SUBDIVISION SEVENTEEN-B OF SUCH SECTION, A CORRECTED REGISTRATION SHALL NOT BE REQUIRED PURSUANT TO THIS PARAGRAPH WHILE THE PERMIT FOR EXTRA LEGAL WEIGHTS IS IN EFFECT; AND FURTHER, PROVIDED, THAT IN LIEU OF FEES DUE THE DEPARTMENT PURSUANT TO THIS PARAGRAPH AND SCHEDULE K OF SUBDIVISION SEVEN OF THIS SECTION, THE COMMISSIONER OF TRANSPORTATION IS AUTHORIZED AND DIRECTED TO IMPOSE

A FEE EQUAL TO TWO DOLLARS TOGETHER WITH THE BALANCE OF THE ANNUAL FEE FOR WHAT WOULD HAVE OTHERWISE BEEN REQUIRED FOR THE CORRECTED REGISTRATION OVER THE FEE AS PREVIOUSLY REGISTERED AND ANY FEE THAT WOULD HAVE OTHERWISE BEEN REQUIRED PURSUANT TO SCHEDULE K OF SUBDIVISION SEVEN OF THIS SECTION AND, NOTWITHSTANDING THE PROVISIONS OF SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW AND THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, SUCH FEE SHALL BE DEPOSITED IN ACCORDANCE WITH SCHEDULE K OF SUBDIVISION SEVEN AND SUBDIVISION TWENTY-ONE OF THIS SECTION. Upon the surrendering of the certificate of registration and the payment of a fee of two dollars together with the balance of the annual fee for the correct registration over the fee as previously registered, such corrected registration may, WHEN NECESSARY, be issued. No return of any part of the fee paid for the previous registration shall be made in case of a reduction of maximum gross weight certified in the application for a corrected registration.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.