

2198

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to convex mirrors

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

1 Section 1. Section 375 of the vehicle and traffic law is amended by
2 adding a new subdivision 10-e to read as follows:
3 10-E. EVERY TRUCK, TRACTOR, AND TRACTOR-TRAILER OR SEMITRAILER COMBI-
4 NATION REGISTERED IN THIS STATE HAVING A GROSS VEHICLE WEIGHT RATING OF
5 TWENTY-SIX THOUSAND POUNDS OR MORE, WHENEVER OPERATED WITHIN CITIES
6 HAVING A POPULATION OF ONE MILLION OR MORE ON HIGHWAYS OTHER THAN CONT-
7 ROLLED-ACCESS HIGHWAYS, SHALL BE EQUIPPED WITH A CONVEX MIRROR ON THE
8 FRONT OF SUCH VEHICLE OR COMBINATION OF VEHICLES. WHEN SUCH VEHICLE OR
9 COMBINATION OF VEHICLES IS BEING OPERATED, SUCH MIRROR SHALL BE ADJUSTED
10 SO AS TO ENABLE THE OPERATOR THEREOF TO SEE ALL POINTS ON AN IMAGINARY
11 HORIZONTAL LINE WHICH: (I) IS THREE FEET ABOVE THE ROAD, (II) IS ONE
12 FOOT DIRECTLY FORWARD FROM THE MIDPOINT OF THE FRONT OF SUCH MOTOR VEHI-
13 CLE, AND (III) EXTENDS THE FULL WIDTH OF THE FRONT OF SUCH VEHICLE OR
14 COMBINATION OF VEHICLES. PROVIDED, HOWEVER, THAT THE COMMISSIONER:
15 A. IN CONSULTATION WITH THE COMMISSIONER OF TRANSPORTATION, MAY
16 PROMULGATE RULES AND REGULATIONS EXEMPTING FROM THE REQUIREMENTS OF THIS
17 SUBDIVISION ANY VEHICLE OR COMBINATION OF VEHICLES WHERE THE COMMISSION-
18 ER HAS DETERMINED THAT THE USE OF SUCH CONVEX MIRRORS WOULD NOT INCREASE
19 THE VISIBILITY OF PERSONS OR OBJECTS LOCATED DIRECTLY IN FRONT OF SUCH
20 VEHICLE OR COMBINATION OF VEHICLES;
21 B. ACTING UPON REQUEST OF THE COMMISSIONER OF TRANSPORTATION FOR A
22 CITY HAVING A POPULATION OF ONE MILLION OR MORE, MAY EXEMPT ADDITIONAL
23 HIGHWAYS, STREETS, OR ROADS FROM THE REQUIREMENTS OF THIS SUBDIVISION,
24 BASED ON DATA SUFFICIENT TO DEMONSTRATE TO THE COMMISSIONER THAT THE
25 LIKELIHOOD OF A COLLISION WITH PEDESTRIANS IS SEVERELY LIMITED, OR THAT

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

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1 SERVICE DELIVERIES ON THE HIGHWAY, STREET, OR ROAD ARE EXTREMELY LIMIT-
2 ED;

3 C. MAY PROVIDE THE OPPORTUNITY TO USE ALTERNATE MEANS OF COMPLIANCE
4 WHICH WOULD ACCOMPLISH THE GOAL AND INTENT OF THIS SECTION, THROUGH BUT
5 NOT LIMITED TO SUCH MEANS AS CAMERAS, INFRARED DEVICES, OR OTHER EQUIP-
6 MENT.

7 S 2. Section 2336 of the insurance law is amended by adding a new
8 subsection (i) to read as follows:

9 (I) ANY SCHEDULE OF RATES OR RATING PLAN FOR TRUCKING LIABILITY INSUR-
10 ANCE SUBMITTED TO THE SUPERINTENDENT MAY PROVIDE FOR AN ACTUARIALLY
11 APPROPRIATE REDUCTION IN PREMIUM CHARGES FOR ANY INSURED WHO HAS
12 COMPLIED WITH THE REQUIREMENTS OF SUBDIVISION TEN-E OF SECTION THREE
13 HUNDRED SEVENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

14 S 3. This act shall be deemed repealed if any federal agency or any
15 court of competent jurisdiction determines that this act would render
16 New York state ineligible for the receipt of federal funds.

17 S 4. Severability. If any clause, sentence, subdivision, paragraph,
18 section or part of this act be adjudged by any court of competent juris-
19 diction to be invalid, such judgment shall not affect, impair or invali-
20 date the remainder thereof, but shall be confined in its operation to
21 the clause, sentence, subdivision, paragraph, section or part thereof
22 directly involved in the controversy in which such judgment shall have
23 been rendered.

24 S 5. This act shall take effect on the one hundred eightieth day after
25 it shall have become a law; provided, however, that effective immediate-
26 ly, the addition, amendment and/or repeal of any rule or regulation
27 necessary for the implementation of this act on its effective date is
28 authorized and directed to be made and completed on or before such
29 effective date; and provided that the commissioner of the department of
30 motor vehicles shall notify the legislative bill drafting commission
31 upon the occurrence of the provisions of section three of this act in
32 order that the commission may maintain an accurate data base of the
33 official text of the laws of the state of New York in furtherance of
34 effecting the provisions of section 44 of the legislative law and
35 section 70-b of the public officers law.