

4275

2009-2010 Regular Sessions

I N S E N A T E

April 20, 2009

Introduced by Sen. FOLEY -- 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, 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:

1 Section 1. Paragraphs (a), (c) and (d) of subdivision 19 of section
 2 385 of the vehicle and traffic law, paragraph (a) as added by section 6
 3 of part C and the opening paragraphs of paragraphs (c) and (d) as
 4 amended by section 7 of part C of chapter 59 of the laws of 2004, para-
 5 graphs (c) and (d) as added by chapter 929 of the laws of 1985, are
 6 amended to read as follows:
 7 (a) A violation of the provisions of subdivision eight, nine, or ten
 8 of this section by any vehicle or combination of vehicles whose weight
 9 exceeds the weight limitations as set forth in this section, or a
 10 violation of such rules and regulations, by any vehicle or combination
 11 of vehicles whose weight exceeds the weight limitations as set forth in
 12 this section or such rules and regulations, or a violation of the weight
 13 limitations specified by permit issued pursuant to subdivision fifteen
 14 of this section shall be punishable by fines levied on the registered
 15 owner of the vehicle or vehicles, REGARDLESS whether at the time of the
 16 violation the vehicle was in the charge of the registered owner or the
 17 owner's agent or lessee in accordance with the following schedule:

Percent of excess weight (percentage)	less than greater than	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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1	7.0	8.0	[600]	1,200	6,000
2	8.0	10.0	[750]	1,500	7,500
3	10.0	12.0	[950]	1,900	9,500
4	12.0	14.0	[1,150]	2,300	11,500
5	14.0	16.0	[1,350]	2,700	13,500
6	16.0	18.0	[1,550]	3,100	15,500
7	18.0	20.0	[1,750]	3,500	17,500
8	20.0	22.0	[1,950]	3,900	19,500
9	22.0	24.0	[2,150]	4,300	21,500
10	24.0	26.0	[2,350]	4,700	23,500
11	26.0	28.0	[2,550]	5,100	25,500
12	28.0	30.0	[2,750]	5,500	27,500
13	30.0	32.0	[2,950]	5,900	29,500
14	32.0	34.0	[3,150]	6,300	31,500
15	34.0	36.0	[3,350]	6,700	33,500
16	36.0	38.0	[3,550]	7,100	35,500
17	38.0	40.0	[3,750]	7,500	37,500
18	40.0		[3,750]	7,500	37,500
19	or greater		[plus \$125 for		
20			each percent		
21			over 40 percent]		

(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		Amount of	FIRST	SECOND AND
Weight (pounds)	less than	Fine	OFFENSE	SUBSEQUENT
greater than	or equal to	(dollars)		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

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

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

15 (d) Notwithstanding paragraphs (a) and (b) of this subdivision, a
 16 violation of the provisions of subdivisions eight and nine of this
 17 section in a city not wholly included within one county or of the
 18 provisions of the rules or regulations of the city department of trans-
 19 portation setting forth the maximum allowable axle or tandem axle weight
 20 for the operation of a vehicle in such city without a permit for such
 21 vehicle, by any vehicle or combination of vehicles whose weight exceeds
 22 the weight limitations as set forth in this section, or such rules or
 23 regulations, or the weight limitations specified by permit issued pursu-
 24 ant to subdivision fifteen of this section shall be punishable by fines
 25 levied on the registered owner of the vehicle or vehicles, REGARDLESS
 26 whether at the time of the violation the vehicle was in the charge of
 27 the registered owner, or his agent, or lessee, in accordance with the
 28 following schedule:

29	Percent of excess		Amount of	FIRST	SECOND AND
30	weight (percentage)	less than			
31	greater than	or equal to	Fine	OFFENSE	SUBSEQUENT
32			(dollars)		OFFENSES
32	0	5.0	[100]	200	1,000
33	5.0	10.0	[200]	400	2,000
34	10.0	15.0	[350]	700	3,500
35	15.0	20.0	[600]	1,200	6,000
36	20.0	25.0	[1000]	2,000	10,000
37	25.0	30.0	[1600]	3,200	16,000
38	30.0	35.0	[2450]	4,900	24,500
39	35.0	40.0	[3600]	7,200	36,000
40	40.0	45.0	[5100]	10,200	51,000
41	45.0		[7000]	14,000	70,000

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

47 S 2. This act shall take effect immediately.