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

5722

2009-2010 Regular Sessions

I N S E N A T E

June 1, 2009

Introduced by Sen. VALESKY -- 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 excluding idling reduction devices from the calculation of weight

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

Section 1. Section 385 of the vehicle and traffic law is amended by adding a new subdivision 10-a to read as follows:

10-A. NOTWITHSTANDING THE MAXIMUM WEIGHT LIMITATIONS OF TRUCKS CONTAINED IN SUBDIVISIONS SEVEN, EIGHT, NINE AND TEN OF THIS SECTION AND THE PENALTIES IMPOSED BY SUBDIVISION NINETEEN OF THIS SECTION, THE CALCULATION OF WEIGHT FOR THE PURPOSES OF SUBDIVISIONS SEVEN, EIGHT, NINE, TEN, ELEVEN AND TWELVE OF THIS SECTION SHALL NOT INCLUDE THE WEIGHT OF AN IDLING REDUCTION DEVICE, SUBJECT TO THE FOLLOWING PROVISIONS:

(A) THE MAXIMUM WEIGHT INCREASE SHALL BE NOT GREATER THAN FOUR HUNDRED POUNDS.

(B) UPON REQUEST BY A REGULATORY OR LAW ENFORCEMENT AGENCY, THE TRUCK OPERATOR SHALL PROVIDE PROOF (THROUGH DEMONSTRATION OR CERTIFICATION) THAT (I) THE IDLE REDUCTION DEVICE IS FULLY FUNCTIONAL AT ALL TIMES AND (II) THE GROSS WEIGHT INCREASE IS NOT USED FOR ANY PURPOSE OTHER THAN THE USE OF IDLING REDUCTION DEVICE.

(C) FOR THE PURPOSES OF THIS SECTION, "IDLING REDUCTION DEVICE" MEANS ANY DEVICE OR SYSTEM OF DEVICES THAT IS (I) INSTALLED ON A NEW OR USED HEAVY DUTY TRUCK THAT IS REGISTERED IN THIS STATE, (II) DESIGNED TO REDUCE LONG-DURATION IDLING OF SUCH VEHICLE AT A MOTOR VEHICLE REST STOP OR OTHER LOCATION WHERE SUCH VEHICLES ARE TEMPORARILY PARKED OR REMAIN STATIONARY, AND (III) DESIGNED TO PROVIDE TO SUCH VEHICLE THOSE SERVICES (SUCH AS HEAT, AIR CONDITIONING, OR ELECTRICITY) THAT WOULD OTHERWISE REQUIRE THE OPERATION OF THE MAIN DRIVE ENGINE WHILE THE VEHICLE IS TEMPORARILY PARKED OR REMAINS STATIONARY.

S 2. This act shall take effect immediately.

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

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