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

5722--A

Cal. No. 169

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 -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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. (A) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS SEVEN, EIGHT, NINE, TEN, ELEVEN AND TWELVE OF THIS SECTION, THE CALCULATION OF WEIGHT PURSUANT TO SUCH SUBDIVISIONS SHALL EXCLUDE THE ACTUAL WEIGHT, NOT TO EXCEED FOUR HUNDRED POUNDS, OF A FULLY-FUNCTIONING IDLE REDUCTION DEVICE INSTALLED ON A VEHICLE OR COMBINATION OF VEHICLES THAT ARE SUBJECT TO SUCH SUBDIVISIONS, PROVIDED THAT THE OPERATOR OF SUCH VEHICLE: (I) MAINTAINS WRITTEN CERTIFICATION OF THE ACTUAL WEIGHT OF SUCH DEVICE AND ACCEPTABLE PROOF THAT IT IS FULLY FUNCTIONAL; AND (II) PROVIDES SUCH CERTIFICATION AND PROOF, UPON REQUEST, TO A LAW ENFORCEMENT OFFICER OR ANY OTHER OFFICER OR EMPLOYEE AUTHORIZED TO ENFORCE THIS SECTION. ACCEPTABLE PROOF OF THE FUNCTIONALITY OF SUCH DEVICE SHALL CONSIST OF WRITTEN CERTIFICATION FROM THE MANUFACTURER OF SUCH IDLE REDUCTION DEVICE, PHYSICAL DEMONSTRATION, OR ANY OTHER DOCUMENTATION ACCEPTABLE TO THE COMMISSIONER OF TRANSPORTATION AS MAY BE SET FORTH IN REGULATIONS PROMULGATED BY SUCH COMMISSIONER AFTER CONSULTATION WITH THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION.

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

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(B) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: (I) "AUXILIARY POWER UNIT" SHALL MEAN AN INTEGRATED SYSTEM THAT (A) PROVIDES HEAT, AIR CONDITIONING, ENGINE WARMING, OR ELECTRICITY TO COMPONENTS ON A VEHICLE WHICH IS SUBJECT TO THE PROVISIONS OF THIS SECTION AND (B) IS CERTIFIED UNDER PART EIGHTY-NINE OF TITLE FORTY OF THE CODE OF FEDERAL REGULATIONS (AS MAY FROM TIME TO TIME BE AMENDED) AS MEETING APPLICABLE EMISSION STANDARDS; AND (II) "IDLE REDUCTION DEVICE" SHALL MEAN AN AUXILIARY POWER UNIT OR OTHER TECHNOLOGY THAT IS USED TO REDUCE LONG-DURATION IDLING (AS SUCH TERM IS DEFINED IN PARAGRAPH SEVEN OF SUBDIVISION (A) OF SECTION 16104 OF THE UNITED STATES CODE AS MAY FROM TIME TO TIME BE AMENDED) AND ALLOWS FOR THE MAIN DRIVE ENGINE OR AUXILIARY REFRIGERATION ENGINE TO BE SHUT DOWN.

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