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

1300

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GANTT, CUSICK -- Multi-Sponsored by -- M. of A. MAGNARELLI, PHEFFER, RAMOS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to riding in cargo areas of trucks

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

Section 1. Subdivision 2 of section 1222 of the vehicle and traffic law, as amended by chapter 913 of the laws of 1974, is amended to read as follows:

2. [No] A. EXCEPT AS PROVIDED IN PARAGRAPH B OF THIS SUBDIVISION, NO operator of any [motor vehicle commonly known as an auto] truck shall operate such [auto] truck, nor shall the owner thereof permit it to be operated, [in excess of five miles,] while there are [in excess of five] persons under eighteen years of age in the body of such truck [unless at least one person over eighteen years of age also rides in the body of said truck].

B. THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION SHALL NOT APPLY TO (I) FARM TYPE TRACTORS USED EXCLUSIVELY FOR AGRICULTURAL PURPOSES OR OTHER FARM EQUIPMENT WHEN MAKING ONLY INCIDENTAL USE OF A HIGHWAY, PROVIDED THAT NO SUCH PASSENGERS ARE UNDER THE AGE OF TWELVE YEARS; (II) TRUCKS WHILE ENGAGED IN USE FOR AGRICULTURAL PURPOSES WHEN MAKING ONLY INCIDENTAL USE OF A HIGHWAY AND PROVIDED THAT NO SUCH PASSENGERS ARE UNDER THE AGE OF TWELVE YEARS; AND (III) TRUCKS PARTICIPATING IN A PARADE PURSUANT TO A MUNICIPAL PERMIT, PROVIDED THAT AT LEAST ONE PERSON OVER EIGHTEEN YEARS OF AGE ALSO RIDES IN THE BODY OF SAID TRUCK.

S 2. Paragraph (iii) of subdivision 2 of section 1233 of the vehicle and traffic law, as amended by chapter 377 of the laws of 1980, is amended to read as follows:

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

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(iii) riding on the open, uncovered cargo area of a truck BY ANY PERSON AGE EIGHTEEN OR OLDER with the permission of the operator of such truck; and

S 3. Section 1233 of the vehicle and traffic law is amended by adding a new subdivision 4 to read as follows:

4. NO PERSON SHALL OPERATE A TRUCK WHILE ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS IS RIDING IN THE CARGO AREA OF SUCH TRUCK.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.