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

5072

2011-2012 Regular Sessions

I N A S S E M B L Y

February 11, 2011

Introduced by M. of A. REILLY, GALEF, STEVENSON -- Multi-Sponsored by -- M. of A. P. RIVERA -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to overweight vehicles

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

Section 1. The opening paragraph and subdivision 18 of section 385 of the vehicle and traffic law, as amended by chapter 549 of the laws of 1985, are amended to read as follows:

No person shall operate or move, or cause or knowingly permit to be operated or moved on any highway or bridge thereon, in any county not wholly included within a city, any vehicle or combination of vehicles of a size or weight exceeding the limitations provided for in this section. Except as otherwise specifically provided in subdivision fifteen of this section, no person shall operate or move, or cause or knowingly permit to be operated or moved on any highway or bridge thereon, in any city not wholly included within one county, any vehicle or combination of vehicles of a size or weight exceeding the limitations provided for in the rules and regulations of the city department of transportation of such city adopted pursuant to section sixteen hundred forty-two of this chapter. IN ANY COUNTY NOT WHOLLY INCLUDED WITHIN A CITY, NO PERSON SHALL CAUSE OR KNOWINGLY PERMIT A VEHICLE OR COMBINATION OF VEHICLES TO BE LOADED, OR ACCEPT DELIVERY OF SUCH VEHICLE OR COMBINATION OF VEHICLES LOADED, TO A SIZE OR WEIGHT EXCEEDING THE LIMITATIONS PROVIDED FOR IN THIS SECTION OR PROVIDED FOR IN A PERMIT ISSUED PURSUANT TO THIS SECTION, WHICH VEHICLE OR COMBINATION OF VEHICLES SUBSEQUENTLY IS OPERATED OR MOVED ON ANY HIGHWAY OR BRIDGE THEREON AND SUCH PERSON KNEW OR HAD REASON TO KNOW OF SUCH OPERATION OR MOVEMENT. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN SUBDIVISION FIFTEEN OF THIS SECTION, IN ANY CITY NOT WHOLLY INCLUDED WITHIN ONE COUNTY, NO PERSON SHALL CAUSE OR

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

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KNOWINGLY PERMIT A VEHICLE OR COMBINATION OF VEHICLES TO BE LOADED, OR ACCEPT DELIVERY OF SUCH A VEHICLE OR COMBINATION OF VEHICLES LOADED, TO A SIZE OR WEIGHT EXCEEDING THE LIMITATIONS PROVIDED FOR IN THE RULES AND REGULATIONS OF THE CITY DEPARTMENT OF TRANSPORTATION OF SUCH CITY ADOPTED PURSUANT TO SECTION SIXTEEN HUNDRED FORTY-TWO OF THIS CHAPTER OR PROVIDED FOR IN A PERMIT ISSUED PURSUANT THERETO AS AUTHORIZED BY THIS SECTION, WHICH VEHICLE OR COMBINATION OF VEHICLES SUBSEQUENTLY IS OPERATED OR MOVED ON ANY HIGHWAY OR BRIDGE THEREON AND SUCH PERSON KNEW OR HAD REASON TO KNOW OF SUCH OPERATION OR MOVEMENT.

18. Except as provided in subdivision nineteen of this section, the violation of the provisions of this section including a violation related to the operation, within a city not wholly included within one county, of a vehicle which exceeds the limitations provided for in the rules and regulations of the city department of transportation of such city, shall be punishable by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment, for the first offense; by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, for the second or subsequent offense; provided that a sentence or execution thereof for any violation under this subdivision may not be suspended. For any violation of the provisions of this section, including a violation related to the operation, within a city not wholly included within one county, of a vehicle which exceeds the limitations provided for in the rules and regulations of the city department of transportation of such city, the registration of the vehicle may be suspended for a period not to exceed one year whether at the time of the violation the vehicle was in THE charge of the REGISTERED owner or his OR HER agent OR LESSEE. The provisions of section five hundred ten of this chapter shall apply to such suspension except as otherwise provided [herein] IN THIS SECTION. A VIOLATION OF THIS SECTION RELATED TO LOADING OR RECEIVING A VEHICLE OR COMBINATION OF VEHICLES IN EXCESS OF THE WEIGHTS PERMITTED IN THIS SECTION, SHALL BE PUNISHABLE BY FINES LEVIED ON THE COMPANY WHOSE AGENTS OR EMPLOYEES COMMITTED SUCH VIOLATION. ENFORCEMENT OF THIS SECTION MAY INCLUDE THE UNANNOUNCED RANDOM CHECK OF A COMPANY'S SCALE RECORDS, WHETHER MAINTAINED ON PAPER OR COMPUTER, FOR A PERIOD NOT TO EXCEED TWENTY-FOUR HOURS PRIOR TO THE DATE OF INSPECTION.

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