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

1248

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sen. ADDABBO -- 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 requiring dates of manufacture on tires

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

Section 1. Legislative intent. The legislature hereby finds and declares that tires have a limited service life regardless of tread depth and use. Aged tires are often unsuspectingly put into service after having served as a spare, stored in garages or warehouses, or simply used on a vehicle that is infrequently driven. In many instances these tires show no visible signs of deterioration. Research has shown that tread belt separations in aged tires have caused nearly 50 accidents, with at least 37 fatalities and 35 serious injuries. The legislature also finds that the tire age can be determined through decoding of the required department of transportation number molded into the side of a tire; however, the department of transportation date coding is difficult to read and can be confusing to the consumer. The National Highway Traffic Safety Administration is currently conducting research on tire aging and is studying consumer advisories. Therefore, the legislature finds and declares that in absence of any federal regulations, it is in the best interest of the state to require manufacturers to display the date of manufacture on both sides of any tires sold in this state, as well as to implement a public outreach campaign to inform consumers of the dangers of operating a motor vehicle with aged tires.

S 2. Subdivision 35 of section 375 of the vehicle and traffic law is amended by adding a new paragraph (d) to read as follows:

(D)(I) NO TIRE SHALL BE MANUFACTURED, DISTRIBUTED, OFFERED FOR SALE OR SOLD IN THIS STATE FOR USE ON A PASSENGER VEHICLE, MULTI-PURPOSE PASSENGER VEHICLE OR LIGHT TRUCK UNLESS A DATE OF MANUFACTURE IS CLEARLY MOLDED ON BOTH SIDES OF THE TIRE IN A NON-CODED FASHION. FOR THE PURPOSES

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

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OF THIS PARAGRAPH, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: (A) "LIGHT TRUCK" SHALL MEAN A MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF LESS THAN TWENTY-SIX THOUSAND POUNDS WHICH IS EITHER DESIGNED FOR OFF-HIGHWAY OPERATION OR DESIGNED TO PERFORM AT LEAST ONE OF THE FOLLOWING FUNCTIONS: TRANSPORT MORE THAN TEN PERSONS, PROVIDE TEMPORARY LIVING QUARTERS, TRANSPORT PROPERTY IN AN OPEN BED, PROVIDE GREATER CARGO-CARRYING THAN PASSENGER-CARRYING VOLUME, OR PERMIT EXPANDED USE OF A PASSENGER VEHICLE FOR CARGO-CARRYING PURPOSES OR OTHER NONPASSENGER-CARRYING PURPOSES THROUGH THE REMOVAL OF SEATS; (B) "MULTI-PURPOSE PASSENGER VEHICLE" SHALL MEAN A MOTOR VEHICLE DESIGNED TO CARRY TEN PERSONS OR LESS WHICH IS CONSTRUCTED EITHER ON A TRUCK CHASSIS OR WITH SPECIAL FEATURES FOR OCCASIONAL OFF-ROAD OPERATION; AND (C) "PASSENGER VEHICLE" SHALL MEAN ANY MOTOR VEHICLE DESIGNED FOR CARRYING TEN PERSONS OR LESS.

(II) WHENEVER THERE SHALL BE A VIOLATION OF THIS SECTION, APPLICATION MAY BE MADE BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO A COURT OR JUSTICE HAVING JURISDICTION BY A SPECIAL PROCEEDING TO ISSUE AN INJUNCTION AND UPON NOTICE TO THE DEFENDANT OF NOT LESS THAN FIVE DAYS, TO ENJOIN AND RESTRAIN THE CONTINUANCE OF SUCH VIOLATION OR TO ENFORCE THE PROVISIONS OF THIS SECTION; AND IF IT SHALL APPEAR TO THE SATISFACTION OF THE COURT OR JUSTICE THAT THE DEFENDANT HAS, IN FACT, VIOLATED THIS SECTION, AN INJUNCTION MAY BE ISSUED BY SUCH COURT OR JUSTICE, ENJOINING AND RESTRAINING ANY FURTHER VIOLATION, WITHOUT REQUIRING PROOF THAT ANY PERSON HAS, IN FACT, BEEN INJURED OR DAMAGED THEREBY. WHENEVER THE COURT SHALL DETERMINE THAT A VIOLATION OF THIS SECTION HAS OCCURRED THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION. IN CONNECTION WITH ANY SUCH PROPOSED APPLICATION, THE ATTORNEY GENERAL IS AUTHORIZED TO TAKE PROOF AND MAKE A DETERMINATION OF THE RELEVANT FACTS AND ISSUE SUBPOENAS IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES.

S 3. 1. The governor's traffic safety committee, with the cooperation of the department of motor vehicles, the department of transportation, the division of state police, and any other department, division, board, bureau, commission, agency or public authority of the state or any political subdivision thereof deemed necessary by the committee, shall develop and implement a public outreach campaign to inform the general public of the dangers of operating a motor vehicle with aged tires.

Such campaign shall include, but not be limited to:

(a) The development of radio and television public service announcements informing the general public of the dangers of operating a motor vehicle with aged tires;

(b) Developing printed informational materials informing the general public of the dangers of operating a motor vehicle with aged tires, including a warning to the general public stating that:

"Testing has shown that tires have a much greater propensity to fail as they age and that both vehicle and tire manufacturers have recommended light trucks and passenger tires older than six years from the date of manufacture should not be used, particularly spares. Old tires can fail in use, causing loss of vehicle control and personal injury. Always reduce speed and drive cautiously if you must use an old tire in an emergency. Replace the tire as soon as possible. All tires should be replaced ten years after the date of their manufacture." Such informational material shall be available in both English and Spanish language versions;

(c) Distributing informational materials with each driver's license application and renewal, and with each motor vehicle registration and renewal;

(d) Making such informational materials available to the general public at all department of motor vehicle offices, all county offices that provide department of motor vehicle services;

(e) Making such informational materials available to motorists at all New York state automobile dealerships or any other office or agency that the governor's traffic safety committee deems appropriate;

(f) Coordinating educational efforts with other states and local agencies and not-for-profit organizations to warn of the dangers of operating a motor vehicle with aged tires; and

(g) Encouraging existing traffic safety and driver education programs to include in their curricula information on avoiding operating a motor vehicle with aged tires, the need to reduce speed and the importance of driving cautiously if you must use an old tire in an emergency, and that all tires should be replaced ten years after the date of their manufacture.

2. The department of motor vehicles, the department of transportation and the division of state police, and any department, division, board, bureau, commission, agency, or public authority of the state or any political subdivision thereof deemed necessary by the governor's traffic safety committee, shall cooperate to the furthest extent possible in the development and implementation of this campaign.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall only apply to tires manufactured on or after such effective date.