

1622

2011-2012 Regular Sessions

I N   S E N A T E

January 10, 2011

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Introduced by Sen. SAMPSON -- 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 the transportation of loose substances in open vehicles

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

1     Section 1. Section 380-a of the vehicle and traffic law, as added by  
2 chapter 418 of the laws of 1975 and subdivision 1 as amended by chapter  
3 369 of the laws of 1987, is amended to read as follows:  
4     S 380-a. Certain vehicles engaged in the transportation of loose  
5 cargo.     1. It shall be unlawful [to operate on any public highway any  
6 open truck or trailer being utilized for the transportation of any loose  
7 substances, unless said truck or trailer has a cover, tarpaulin or other  
8 device of a type and specification approved by the commissioner of  
9 transportation which completely closes in the opening on the said truck  
10 or trailer while said truck or trailer shall be so operated, so as to  
11 prevent the falling of any such substances therefrom. However, if the  
12 load is arranged so that no loose substance can fall from or blow out of  
13 such truck, the covering is not necessary.] FOR A COMMERCIAL OPERATOR OF  
14 A MOTOR VEHICLE TO TRANSPORT LOOSE SUBSTANCES IN AN OPEN VEHICLE WITHOUT  
15 THE USE OF A MECHANISM, APPROVED BY THE COMMISSIONER OF TRANSPORTATION,  
16 TO PREVENT LOOSE SUBSTANCES FROM BECOMING DISLODGED OR REMOVED FROM SUCH  
17 VEHICLE DURING TRANSPORT.  
18     2. IT SHALL BE UNLAWFUL FOR A COMMERCIAL OPERATOR OF A MOTOR VEHICLE  
19 TO TRANSPORT LOOSE SUBSTANCES IN A VEHICLE WITHOUT THE USE OF SPLASH  
20 GUARDS, APPROVED BY THE COMMISSIONER OF MOTOR VEHICLES, TO PREVENT  
21 SUBSTANCES FROM BEING THROWN BY SUCH VEHICLE DURING TRAVEL.  
22     [2.] 3. The commissioner of transportation is authorized to make  
23 necessary rules and regulations to carry into effect the provisions of  
24 this section, applying such provisions to specific conditions and loads

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

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1 and prescribing means, methods and practices to effectuate such  
2 provisions.

3 [3.] 4. The provisions of this section shall not apply to motor vehi-  
4 cles, trailers and semitrailers conveying "farm products" as defined in  
5 section two of the agriculture and markets law.

6 S 2. This act shall take effect one year after it shall have become a  
7 law.