

4284

2011-2012 Regular Sessions

I N S E N A T E

March 28, 2011

Introduced by Sen. MARTINS -- 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 the surfaces of certain vehicles to be cleared of accumulated snow, sleet, or hail

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

- 1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1229-e to read as follows:
3 S 1229-E. CLEARANCE OF SNOW, SLEET, AND HAIL. 1. NO PERSON SHALL OPER-
4 ATE A NON-COMMERCIAL MOTOR VEHICLE OR A COMMERCIAL MOTOR VEHICLE WITH A
5 GROSS VEHICLE WEIGHT RATING OF TEN THOUSAND POUNDS OR LESS ON A PUBLIC
6 STREET OR HIGHWAY WHILE THERE IS AN ACCUMULATION OF SNOW, SLEET, OR HAIL
7 ON THE ROOF OR CARGO BED SURFACES THEREOF, WHETHER OF ANY OCCUPANT
8 COMPARTMENT, TRAILER, OR OTHER CARGO COMPARTMENT.
9 2. THE REMOVAL OF ACCUMULATED SNOW, SLEET, OR HAIL REQUIRED BY SUBDI-
10 VISION ONE OF THIS SECTION SHALL NOT APPLY DURING THE FALLING OF SNOW,
11 SLEET, OR HAIL.
12 3. THE OPERATOR OF A VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS
13 SECTION, EXCLUDING A SEVERELY DISABLED PERSON, AS DEFINED IN SUBDIVISION
14 THREE OF SECTION FOUR HUNDRED FOUR-A OF THIS CHAPTER, SHALL BE SUBJECT
15 TO A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED FIFTY
16 DOLLARS.
17 4. THE OPERATOR OF A VEHICLE WHO VIOLATES THE PROVISIONS OF THIS
18 SECTION WHERE SUCH VIOLATION RESULTS IN THE PHYSICAL INJURY OF ANOTHER
19 PERSON, AS DEFINED IN SECTION 10.00 OF THE PENAL LAW, OR DAMAGE TO PROP-
20 ERTY OF ANOTHER PERSON, SHALL BE SUBJECT TO A FINE OF NOT LESS THAN TWO
21 HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS. ADDITIONALLY,
22 A LICENSE POINT VALUE OF ONE POINT SHALL BE APPLIED.
23 5. THE OPERATOR OF A VEHICLE WHO VIOLATES THE PROVISIONS OF THIS
24 SECTION WHERE SUCH VIOLATION RESULTS IN THE SERIOUS PHYSICAL INJURY OF

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

LBD08266-02-1

1 ANOTHER PERSON, AS DEFINED IN SECTION 10.00 OF THE PENAL LAW, SHALL BE
2 SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN
3 ONE THOUSAND DOLLARS. ADDITIONALLY, A LICENSE POINT VALUE OF TWO POINTS
4 SHALL BE APPLIED.

5 6. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY AUTOMOBILE
6 TRANSPORTER, MOTORCYCLE, OR AUTHORIZED EMERGENCY VEHICLE.

7 S 2. Section 125 of the vehicle and traffic law, as amended by chapter
8 365 of the laws of 2008, is amended to read as follows:

9 S 125. Motor vehicles. Every vehicle operated or driven upon a public
10 highway which is propelled by any power other than muscular power,
11 except (a) electrically-driven mobility assistance devices operated or
12 driven by a person with a disability, (a-1) electric personal assistive
13 mobility devices operated outside a city with a population of one
14 million or more, (b) vehicles which run only upon rails or tracks, (c)
15 snowmobiles as defined in article forty-seven of this chapter, and (d)
16 all terrain vehicles as defined in article forty-eight-B of this chap-
17 ter. For the purposes of title four of this chapter, the term motor
18 vehicle shall exclude fire and police vehicles other than ambulances.
19 For the purposes of titles four and five AND SECTION TWELVE HUNDRED
20 TWENTY-NINE-E of this chapter the term motor vehicles shall exclude farm
21 type tractors and all terrain type vehicles used exclusively for agri-
22 cultural purposes, or for snow plowing, other than for hire, farm equip-
23 ment, including self-propelled machines used exclusively in growing,
24 harvesting or handling farm produce, and self-propelled caterpillar or
25 crawler-type equipment while being operated on the contract site.

26 S 3. This act shall take effect on the first of November next succeed-
27 ing the date on which it shall have become a law.