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

2346

2011-2012 Regular Sessions

I N A S S E M B L Y

January 18, 2011

Introduced by M. of A. SPANO, BING -- Multi-Sponsored by -- M. of A. RAIA -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring surfaces of certain motor 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:

Section 1. The vehicle and traffic law is amended by adding a new section 1229-e to read as follows:

S 1229-E. CLEARANCE OF SNOW, SLEET, AND HAIL. 1. NO PERSON SHALL OPERATE A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY WHILE THERE IS AN ACCUMULATION OF SNOW, SLEET, OR HAIL ON THE ROOF OR CARGO BED SURFACES THEREOF, WHETHER OF ANY OCCUPANT COMPARTMENT, TRAILER, OR OTHER CARGO COMPARTMENT IN EXCESS OF THREE INCHES.

2. THE REMOVAL OF ACCUMULATED SNOW, SLEET, OR HAIL REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY DURING THE FALLING OF SNOW, SLEET, OR HAIL OR WITHIN THREE HOURS AFTER THE CESSATION OF THE FALLING THEREOF.

3. (A) THE OPERATOR OF A NON-COMMERCIAL VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS SECTION, EXCLUDING A DISABLED OPERATOR, SHALL BE SUBJECT TO A FINE OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS NOR MORE THAN EIGHT HUNDRED FIFTY DOLLARS.

(B) THE OPERATOR, OWNER, LESSEE, BAILEE OR ANY ONE OF THE AFORESAID IF A COMMERCIAL MOTOR VEHICLE SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FOUR HUNDRED FIFTY DOLLARS NOR MORE THAN TWELVE HUNDRED FIFTY DOLLARS.

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

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

S 125. Motor vehicles. Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power,

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

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except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (a-1) electric personal assistive mobility devices operated outside a city with a population of one million or more, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, and (d) all terrain vehicles as defined in article forty-eight-B of this chapter. For the purposes of title four of this chapter, the term motor vehicle shall exclude fire and police vehicles other than ambulances. For the purposes of titles four and five, AND SECTION TWELVE HUNDRED TWENTY-NINE-E of this chapter the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.