

S T A T E   O F   N E W   Y O R K

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6007

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 3, 2011

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Introduced by M. of A. BURLING, FINCH, McDONOUGH, McKEVITT, HAWLEY,  
SALADINO -- Multi-Sponsored by -- M. of A. CROUCH, SPANO -- read once  
and referred to the Committee on Governmental Operations

AN ACT to create a temporary state commission to study and investigate  
the problems associated with automotive safety and providing for the  
repeal of such provisions upon expiration thereof

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

1     Section 1. A temporary state commission, to be known as the temporary  
2 state commission on automotive safety, is hereby created to make a  
3 complete study and investigation of the problems associated with vehicle  
4 tires and tire tread separations; differential of damage caused by sport  
5 utility vehicles (SUVs), pickup trucks, and trucks to smaller vehicles  
6 during collisions; accidents caused from the modification of vehicle  
7 design from the original manufacturer's design; and child safety  
8 restraints.  
9     S 2. a. Such commission shall consist of a total of fifteen members  
10 appointed by the governor. Two such appointments shall be upon recommen-  
11 dation of the temporary president of the senate, two such appointments  
12 shall be upon recommendation of the speaker of the assembly, one such  
13 appointment shall be upon recommendation of the minority leader of the  
14 senate, and one such appointment shall be upon recommendation of the  
15 minority leader of the assembly. Of the remaining nine appointments, two  
16 shall be representatives of the automotive manufacturing industry, two  
17 shall be representatives of automotive safety organizations, two shall  
18 be representatives of the tire manufacturing industry, and three shall  
19 be members of the general public. Nine members of the commission shall  
20 constitute a quorum for the transaction of any business of the commis-  
21 sion.  
22     b. The commissioner of transportation or his or her designee shall  
23 serve as chair of the commission.

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

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1 c. Except as provided in subdivision a of this section, no member,  
2 officer or employee of the commission shall be disqualified from holding  
3 any other public office or employment, nor shall he or she forfeit any  
4 such office or employment by reason of his or her appointment hereunder,  
5 notwithstanding the provisions of any general, special or local law,  
6 ordinance or city charter.

7 S 3. The department of transportation shall provide the commission  
8 such facilities, assistance, and data as will enable the commission to  
9 carry out its powers and duties. Additionally, all other departments or  
10 agencies of the state or subdivisions thereof shall, at the request of  
11 the chair, provide the commission such facilities, assistance, and data  
12 as will enable the commission to carry out its powers and duties.

13 S 4. The members of the commission shall receive no compensation for  
14 their services, but shall be allowed their actual and necessary expenses  
15 incurred in the performance of their duties hereunder.

16 S 5. The commission may employ and at pleasure remove such personnel  
17 as it may deem necessary for the performance of its functions and fix  
18 their compensation within the amounts made available by appropriation  
19 therefor. The commission may meet and hold public and/or private hear-  
20 ings within or without the state, and shall have all the powers of a  
21 legislative committee pursuant to the legislative law.

22 S 6. For the accomplishment of its purposes, the commission shall be  
23 authorized and empowered to undertake any studies, inquiries, surveys or  
24 analyses it may deem relevant through its own personnel or in cooper-  
25 ation with or by agreement with any other public or private agency.

26 S 7. The commission may request and shall receive from any court in  
27 the state and from any subdivision, department, board, bureau, commis-  
28 sion, office, agency or other instrumentality of the state or of any  
29 political subdivision thereof such facilities, assistance and data as it  
30 deems necessary or desirable for the proper execution of its powers and  
31 duties and to effectuate the purposes herein set forth.

32 S 8. The commission is hereby authorized and empowered to enter into  
33 any agreements and to do and perform any acts that may be necessary,  
34 desirable or proper to carry out the purposes and objectives of this  
35 act.

36 S 9. a. The commission shall make a report of its findings. Such  
37 report shall include findings detailing the problems and any possible  
38 solutions associated with the following issues:

- 39 1. Vehicle tires and tire tread separations;
- 40 2. Differential of damage caused by sport utility vehicles (SUVs),  
41 pickup trucks, and trucks to smaller vehicles during collisions;
- 42 3. Accidents caused from the modification of vehicle design from the  
43 original manufacturer's design; and
- 44 4. Child safety restraints.

45 b. The commission shall submit such report developed by it, including  
46 any recommendations for legislative action as it may deem necessary and  
47 appropriate, to the governor, the temporary president of the senate and  
48 the speaker of the assembly no later than the thirty-first day of Decem-  
49 ber in the year next succeeding the year in which this act shall have  
50 become a law.

51 S 10. This act shall take effect immediately and shall continue in  
52 full force and effect until the thirty-first day of December in the year  
53 next succeeding the year in which it shall have become a law, when upon  
54 such date the provisions of this act shall be deemed repealed.