

1321--A

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. DILAN, AVELLA, DIAZ, HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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; to amend the state finance law, the public authorities law and the transportation law, in relation to the snow and ice removal fund; and providing for the repeal of certain provisions upon expiration thereof

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 MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY WHILE THERE IS AN
5 ACCUMULATION OF SNOW, SLEET, OR HAIL ON THE ROOF OR CARGO BED SURFACES
6 THEREOF, WHETHER OF ANY OCCUPANT COMPARTMENT, TRAILER, OR OTHER CARGO
7 COMPARTMENT IN EXCESS OF THREE INCHES.

8 2. THE REMOVAL OF ACCUMULATED SNOW, SLEET, OR HAIL REQUIRED BY SUBDI-
9 VISION ONE OF THIS SECTION SHALL NOT APPLY DURING THE FALLING OF SNOW,
10 SLEET, OR HAIL OR WITHIN THREE HOURS AFTER THE CESSATION OF THE FALLING
11 THEREOF.

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

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

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

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1 (C) ALL FINES CREDITED TO THE STATE PURSUANT TO THIS SECTION SHALL BE
2 DEPOSITED TO THE SNOW AND ICE REMOVAL FUND ESTABLISHED PURSUANT TO
3 SECTION SEVENTY-FOUR-A OF THE STATE FINANCE LAW.

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

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

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

25 S 3. Section 200 of the vehicle and traffic law is amended by adding
26 a new subdivision 3 to read as follows:

27 3. THE COMMISSIONER SHALL SUBMIT A REPORT TO THE GOVERNOR, TEMPORARY
28 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON AN ANNUAL
29 BASIS FOR THE TEN YEARS COMMENCING ON AUGUST THIRTY-FIRST, TWO THOUSAND
30 TWELVE CONCERNING THE IMPLEMENTATION OF SECTION TWELVE HUNDRED
31 TWENTY-NINE-E OF THIS CHAPTER AND SECTION SEVENTY-FOUR-A OF THE STATE
32 FINANCE LAW. SUCH REPORT SHALL INCLUDE INFORMATION ON:

33 (A) THE AMOUNT OF FUNDS MADE AVAILABLE TO THE COMMISSIONER AND THE NEW
34 YORK STATE THRUWAY AUTHORITY AND THE USE OF SUCH FUNDS;

35 (B) HOW MANY SUMMONSES WERE ISSUED PURSUANT TO SECTION TWELVE HUNDRED
36 TWENTY-NINE-E OF THIS CHAPTER;

37 (C) THE OPERATION OF THE GRANT PROGRAM ESTABLISHED PURSUANT TO PARA-
38 GRAPH (B) OF SUBDIVISION TWO OF SECTION TWENTY-THREE OF THE TRANSPORTA-
39 TION LAW;

40 (D) THE PUBLIC AWARENESS PROGRAM CONDUCTED PURSUANT TO PARAGRAPH (C)
41 OF SUBDIVISION TWO OF SECTION TWENTY-THREE OF THE TRANSPORTATION LAW;

42 (E) THE SEVERITY AND FREQUENCY OF TRAFFIC INCIDENTS INVOLVING SNOW OR
43 ICE NOT PROPERLY REMOVED FROM VEHICLES BEFORE AND AFTER THE IMPLEMENTA-
44 TION OF SECTION TWELVE HUNDRED TWENTY-NINE-E OF THIS CHAPTER; AND

45 (F) THE OPERATION OF SUCH SNOW AND ICE REMOVAL SITES ESTABLISHED BY
46 THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION PURSUANT TO SECTION
47 THREE HUNDRED EIGHTY-EIGHT OF THE PUBLIC AUTHORITIES LAW AND THE NEW
48 YORK STATE THRUWAY AUTHORITY PURSUANT TO PARAGRAPH (A) OF SUBDIVISION
49 TWO OF SECTION TWENTY-THREE OF THE TRANSPORTATION LAW.

50 S 4. The state finance law is amended by adding a new section 74-a to
51 read as follows:

52 S 74-A. SNOW AND ICE REMOVAL FUND. 1. THERE IS HEREBY ESTABLISHED IN
53 THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXA-
54 TION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "SNOW AND ICE REMOVAL
55 FUND".

1 2. THE SNOW AND ICE REMOVAL FUND SHALL CONSIST OF ALL FINES CREDITED
2 TO THE STATE FOR A VIOLATION OF SECTION TWELVE HUNDRED TWENTY-NINE-E OF
3 THE VEHICLE AND TRAFFIC LAW, AND ALL OTHER MONEYS CREDITED OR TRANS-
4 FERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

5 3. MONEYS IN THE SNOW AND ICE REMOVAL FUND MAY BE INVESTED BY THE
6 COMPTROLLER PURSUANT TO THE PROVISIONS OF SECTION NINETY-EIGHT-A OF THIS
7 ARTICLE AND ANY INCOME RECEIVED BY THE COMPTROLLER FROM SUCH INVESTMENTS
8 SHALL BE ADDED TO AND BECOME PART OF, AND SHALL BE USED FOR THE PURPOSES
9 OF SUCH FUND. ALL DEPOSITS OF SUCH MONEY SHALL, IF REQUIRED BY THE COMP-
10 TROLLER, BE SECURED BY OBLIGATIONS OF THE UNITED STATES OR OF THE STATE
11 OF MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF THE DEPOSIT AND ALL
12 BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SUCH SECURITIES FOR
13 SUCH DEPOSITS.

14 4. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE,
15 SHALL BE ALLOCATED UPON A CERTIFICATE OF APPROVAL OF AVAILABILITY BY THE
16 DIRECTOR OF THE BUDGET SOLELY FOR THE PURPOSES SET FORTH IN THIS
17 SECTION.

18 5. MONEYS IN THE FUND SHALL BE ALLOCATED IN THE FOLLOWING MANNER:

19 (A) TEN PERCENT OF THE MONEYS SHALL BE TRANSFERRED TO THE DEPARTMENT
20 OF MOTOR VEHICLES FOR THE COLLECTION AND REPORTING OF DATA ON THE IMPL-
21 MENTATION OF SECTION TWELVE HUNDRED TWENTY-NINE-E OF THE VEHICLE AND
22 TRAFFIC LAW.

23 (B) TWENTY-FIVE PERCENT OF THE MONEYS SHALL BE TRANSFERRED TO THE
24 DEPARTMENT OF TRANSPORTATION FOR THE PURPOSES OF PARAGRAPH (A) OF SUBDI-
25 VISION TWO OF SECTION TWENTY-THREE OF THE TRANSPORTATION LAW.

26 (C) TWENTY-FIVE PERCENT OF THE MONEYS SHALL BE TRANSFERRED TO THE NEW
27 YORK STATE THRUWAY AUTHORITY FOR PURPOSES OF SECTION THREE HUNDRED
28 EIGHTY-EIGHT OF THE PUBLIC AUTHORITIES LAW.

29 (D) THIRTY PERCENT OF THE MONEYS SHALL BE TRANSFERRED TO THE DEPART-
30 MENT OF TRANSPORTATION FOR THE GRANT PROGRAM ESTABLISHED PURSUANT TO
31 PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION TWENTY-THREE OF THE TRANS-
32 PORTATION LAW.

33 (E) TEN PERCENT OF THE MONEYS SHALL BE TRANSFERRED TO THE DEPARTMENT
34 OF TRANSPORTATION FOR THE PUBLIC AWARENESS PROGRAM CONDUCTED PURSUANT TO
35 PARAGRAPH (C) OF SUBDIVISION TWO OF SECTION TWENTY-THREE OF THE TRANS-
36 PORTATION LAW.

37 S 5. The public authorities law is amended by adding a new section 388
38 to read as follows:

39 S 388. SNOW AND ICE REMOVAL SITES. 1. FOR THE PURPOSES OF THIS
40 SECTION, THE TERM "COMMON CARRIER" SHALL MEAN ANY PERSON THAT TRANSPORTS
41 PASSENGERS BY MOTOR VEHICLE FOR COMPENSATION BY PROVIDING SERVICE FOR
42 THE GENERAL PUBLIC ON AN INDIVIDUAL FARE BASIS OVER REGULAR OR IRREGULAR
43 ROUTES OR ANY PERSON THAT TRANSPORTS PROPERTY BY MOTOR VEHICLE FOR
44 COMPENSATION FOR THE GENERAL PUBLIC. IT SHALL INCLUDE A BUS LINE WHICH
45 IS A MOTOR VEHICLE THAT IS USUALLY CHARACTERIZED BY THE USE OF VEHICLES
46 HAVING A SEATING CAPACITY OF GREATER THAN TWENTY PASSENGERS; BY MULTIPLE
47 PICKUP AND DISCHARGE POINTS ALONG DESIGNATED ROUTES; AND BY NO PREAR-
48 RANGEMENTS OR RESERVATIONS BY PASSENGERS.

49 2. USING THE MONEYS ALLOCATED FROM THE SNOW AND ICE REMOVAL FUND
50 ESTABLISHED PURSUANT TO SECTION SEVENTY-FOUR-A OF THE STATE FINANCE LAW,
51 THE AUTHORITY SHALL ESTABLISH SNOW AND ICE REMOVAL SITES FOR COMMON
52 CARRIERS ON THE THRUWAY. THE AUTHORITY SHALL USE THE MONEYS ALLOCATED
53 FROM PARAGRAPH (C) OF SUBDIVISION FIVE OF SECTION SEVENTY-FOUR-A OF THE
54 STATE FINANCE LAW FOR THE PURCHASE, INSTALLATION AND OPERATION OF SNOW
55 AND ICE REMOVAL EQUIPMENT AT SUCH REST AREAS AND SERVICE AREAS UNDER ITS
56 JURISDICTION AS THE AUTHORITY DEEMS APPROPRIATE.

1 S 6. The transportation law is amended by adding a new section 23 to
2 read as follows:

3 S 23. SNOW AND ICE REMOVAL. 1. FOR THE PURPOSES OF THIS SECTION, THE
4 TERM "COMMON CARRIER" SHALL MEAN ANY PERSON THAT TRANSPORTS PASSENGERS
5 BY MOTOR VEHICLE FOR COMPENSATION BY PROVIDING SERVICE FOR THE GENERAL
6 PUBLIC ON AN INDIVIDUAL FARE BASIS OVER REGULAR OR IRREGULAR ROUTES OR
7 ANY PERSON THAT TRANSPORTS PROPERTY BY MOTOR VEHICLE FOR COMPENSATION
8 FOR THE GENERAL PUBLIC. IT SHALL INCLUDE A BUS LINE WHICH IS A MOTOR
9 VEHICLE THAT IS USUALLY CHARACTERIZED BY THE USE OF VEHICLES HAVING A
10 SEATING CAPACITY OF GREATER THAN TWENTY PASSENGERS; BY MULTIPLE PICKUP
11 AND DISCHARGE POINTS ALONG DESIGNATED ROUTES; AND BY NO PREARRANGEMENTS
12 OR RESERVATIONS BY PASSENGERS.

13 2. USING THE MONEYS ALLOCATED FROM THE SNOW AND ICE REMOVAL FUND
14 ESTABLISHED PURSUANT TO SECTION SEVENTY-FOUR-A OF THE STATE FINANCE LAW,
15 THE DEPARTMENT SHALL:

16 (A) ESTABLISH SNOW AND ICE REMOVAL SITES FOR COMMON CARRIERS ON SUCH
17 INTERSTATE AND STATE HIGHWAYS THAT ARE UNDER THE JURISDICTION OF THE
18 DEPARTMENT. THE DEPARTMENT SHALL USE THE MONEYS ALLOCATED FROM PARAGRAPH
19 (B) OF SUBDIVISION FIVE OF SECTION SEVENTY-FOUR-A OF THE STATE FINANCE
20 LAW FOR THE PURCHASE, INSTALLATION AND OPERATION OF SNOW AND ICE REMOVAL
21 EQUIPMENT AT SUCH REST AREAS AND SERVICE AREAS UNDER ITS JURISDICTION AS
22 THE COMMISSIONER DEEMS APPROPRIATE.

23 (B) ESTABLISH AND ADMINISTER A SNOW AND ICE REMOVAL GRANT PROGRAM. THE
24 DEPARTMENT SHALL USE THE MONEYS ALLOCATED FROM PARAGRAPH (B) OF SUBDIVI-
25 SION FIVE OF SECTION SEVENTY-FOUR-A OF THE STATE FINANCE LAW FOR THE
26 PURPOSE OF PROVIDING COMMON CARRIERS WITH MATCHING FUNDS TO PURCHASE
27 SNOW AND ICE REMOVAL EQUIPMENT; PROVIDED, HOWEVER, THAT

28 (I) NO GRANT TO ANY COMMON CARRIER SHALL EXCEED TEN PERCENT OF THE
29 TOTAL ALLOCATIONS FOR SUCH GRANT PROGRAM;

30 (II) EACH APPLICANT SHALL BE ELIGIBLE TO RECEIVE ONLY ONE SUCH GRANT
31 IN ANY TWENTY-FOUR MONTH PERIOD;

32 (III) NO PART OF ANY SUCH GRANT SHALL BE USED FOR SALARIES OR ANY
33 OTHER SERVICES OTHER THAN FOR THE PURCHASE AND INSTALLATION OF SNOW AND
34 ICE REMOVAL EQUIPMENT; AND

35 (IV) THE COMMON CARRIER HAS COMMITTED SUFFICIENT FUNDS TO FULFILL THE
36 MATCH REQUIREMENTS OF THIS GRANT.

37 (C) IMPROVE PUBLIC AWARENESS OF THE HAZARDS OF DRIVING WITH ACCUMU-
38 LATIONS OF SNOW AND ICE ON THE ROOF OR CARGO BED SURFACES OF MOTOR VEHI-
39 CLES AND THE PROHIBITION THEREOF. THE DEPARTMENT SHALL USE THE MONEYS
40 ALLOCATED FROM PARAGRAPH (E) OF SUBDIVISION FIVE OF SECTION
41 SEVENTY-FOUR-A OF THE STATE FINANCE LAW FOR THE PURPOSE OF SUCH PUBLIC
42 AWARENESS CAMPAIGN THROUGH EDUCATIONAL AND INFORMATIONAL MATERIALS IN
43 PRINT, AUDIO, VISUAL, ELECTRONIC OR OTHER MEDIA INCLUDING, BUT NOT
44 LIMITED TO PUBLIC SERVICE ANNOUNCEMENTS AND ADVERTISEMENTS.

45 S 7. This act shall take effect on the first of November next succeed-
46 ing the date on which it shall have become a law; provided, however,
47 that the amendments to section 200 of the vehicle and traffic law made
48 by section three of this act shall expire and be deemed repealed Septem-
49 ber 1, 2021.