

3589

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. GANTT -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to registration of oversize and overweight vehicles

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

1 Section 1. Paragraph (a) of subdivision 15 of section 385 of the vehi-  
2 cle and traffic law, as amended by section 1 of part C of chapter 59 of  
3 the laws of 2004, is amended to read as follows:  
4 (a) The commissioner of transportation is hereby authorized to contin-  
5 ue to grant permits, and to charge fees therefor, for the operation or  
6 movement of a vehicle or combination of vehicles having weights or  
7 dimensions which exceed the limitations provided for in this section  
8 upon any highway under his or her jurisdiction except that such permit  
9 shall not be valid for the operation or movement of such vehicles on any  
10 state or other highway within any city not wholly included within one  
11 county. Such permits shall be issued in accordance with the terms and  
12 conditions contained in rules and regulations governing special hauling  
13 permits which have been or shall be promulgated by the commissioner of  
14 transportation and which may include, but not be limited to, a require-  
15 ment that a vehicle or combination of vehicles being issued a permit  
16 shall be accompanied by one or more escort vehicles which is being oper-  
17 ated by an individual having a valid escort certificate issued by the  
18 commissioner. The commissioner of transportation is authorized to  
19 promulgate rules and regulations governing the operation, use and equip-  
20 ment of escort vehicles and the duties and responsibilities of the oper-  
21 ator of an escort vehicle. Any finding by the commissioner of transpor-  
22 tation that an individual has violated such rules and regulations shall  
23 be grounds for the cancellation of an individual's escort certificate  
24 and a penalty not to exceed five hundred dollars per occurrence for the  
25 first violation and not to exceed one thousand dollars per occurrence

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

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1 for each subsequent violation. Prior to issuing such a finding, the  
2 commissioner of transportation shall afford an individual the right to a  
3 hearing pursuant to section one hundred forty-five of the transportation  
4 law. Such rules and regulations shall take into consideration, but shall  
5 not be limited to, the safety of the traveling public and the protection  
6 of the highways and the environment. Such rules and regulations shall  
7 also contain a schedule of fees to be charged for the issuance of such  
8 permits which fees shall cover, but shall not be limited to, the costs  
9 to the department of transportation for the administration of the permit  
10 program, and shall permit the commissioner of transportation to levy a  
11 surcharge of up to twenty dollars for the issuance and distribution of  
12 special hauling permits at regional offices of the department of trans-  
13 portation. The annual vehicle fee for a permit issued pursuant to  
14 subparagraphs (i), (ii), (ii-a) and (iii) of paragraph (f) of this  
15 subdivision shall be three hundred sixty dollars for vehicles with less  
16 than five axles, seven hundred fifty dollars for vehicles with five or  
17 six axles and nine hundred dollars for vehicles with seven or more  
18 axles. The annual vehicle fee for a permit issued pursuant to subpara-  
19 graphs (iv), (v), and (vi) of paragraph (f) of this subdivision shall be  
20 four hundred eighty dollars for vehicles with less than five axles and  
21 one thousand dollars for vehicles with five or more axles. Additionally,  
22 the commissioner shall establish a fee schedule for the permitting of  
23 extra non-power combination units that may not exceed twenty-five  
24 dollars per vehicle and may offer discounts for multi-trailer registra-  
25 tions. Such fees shall not be charged to municipalities in this state  
26 AND THE COMMISSIONER OF TRANSPORTATION IS HEREBY AUTHORIZED TO ISSUE  
27 PERMITS TO MUNICIPALITIES FOR DURATIONS GREATER THAN ONE YEAR. If the  
28 permit has routing requirements, such rules and regulations shall  
29 provide that if the routing anticipates the use of highways not under  
30 the jurisdiction of the commissioner of transportation, then he or she  
31 shall immediately notify the municipality or municipalities, having  
32 jurisdiction over such highway that an application for a permit has been  
33 received and request comment thereon. Said municipality or municipi-  
34 palities shall not have less than fifteen days to comment. Such rules  
35 and regulations shall also contain any other requirements deemed neces-  
36 sary by the commissioner of transportation.

37 S 2. Paragraph b of subdivision 9 of section 401 of the vehicle and  
38 traffic law, as amended by chapter 847 of the laws of 1968, is amended  
39 to read as follows:

40 b. Where a vehicle registered under the provisions of [subdivisions]  
41 SUBDIVISION seven or eight of this section on the basis of maximum gross  
42 weight requires a corrected registration because of a load in excess of  
43 the maximum load as certified in the application for registration, or  
44 the registrant desires to register the vehicle at a lower gross maximum  
45 weight, an application shall be made for correct registration; PROVIDED,  
46 HOWEVER, THAT WHEN AN OVERWEIGHT PERMIT IS ISSUED PURSUANT TO SUBDIVI-  
47 SION FIFTEEN OF SECTION THREE HUNDRED EIGHTY-FIVE OF THIS CHAPTER FOR A  
48 VEHICLE WITH EXTRA LEGAL WEIGHTS AND SUCH VEHICLE IS REGISTERED AT THE  
49 MAXIMUM WEIGHT AT WHICH SUCH VEHICLE MAY BE REGISTERED PURSUANT TO  
50 SUBDIVISION TEN, SUBDIVISION SEVENTEEN-A OR SUBDIVISION SEVENTEEN-B OF  
51 SUCH SECTION, A CORRECTED REGISTRATION SHALL NOT BE REQUIRED PURSUANT TO  
52 THIS PARAGRAPH WHILE THE PERMIT FOR EXTRA LEGAL WEIGHTS IS IN EFFECT;  
53 AND FURTHER, PROVIDED, THAT IN LIEU OF FEES DUE THE DEPARTMENT PURSUANT  
54 TO THIS PARAGRAPH AND SCHEDULE K OF SUBDIVISION SEVEN OF THIS SECTION,  
55 THE COMMISSIONER OF TRANSPORTATION IS AUTHORIZED AND DIRECTED TO IMPOSE  
56 A FEE EQUAL TO TWO DOLLARS TOGETHER WITH THE BALANCE OF THE ANNUAL FEE

1 FOR WHAT WOULD HAVE OTHERWISE BEEN REQUIRED FOR THE CORRECTED REGISTRA-  
2 TION OVER THE FEE AS PREVIOUSLY REGISTERED AND ANY FEE THAT WOULD HAVE  
3 OTHERWISE BEEN REQUIRED PURSUANT TO SCHEDULE K OF SUBDIVISION SEVEN OF  
4 THIS SECTION AND, NOTWITHSTANDING THE PROVISIONS OF SECTION  
5 EIGHTY-NINE-B OF THE STATE FINANCE LAW AND THE PROVISIONS OF ANY OTHER  
6 LAW TO THE CONTRARY, SUCH FEE SHALL BE DEPOSITED IN ACCORDANCE WITH  
7 SCHEDULE K OF SUBDIVISION SEVEN AND SUBDIVISION TWENTY-ONE OF THIS  
8 SECTION. Upon the surrendering of the certificate of registration and  
9 the payment of a fee of two dollars together with the balance of the  
10 annual fee for the correct registration over the fee as previously  
11 registered, such corrected registration may, WHEN NECESSARY, be issued.  
12 No return of any part of the fee paid for the previous registration  
13 shall be made in case of a reduction of maximum gross weight certified  
14 in the application for a corrected registration.  
15 S 3. This act shall take effect on the sixtieth day after it shall  
16 have become a law.