

3687

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. MAYER, STEVENSON, MARKEY, RA -- 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; 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.
19 (C) ALL FINES CREDITED TO THE STATE PURSUANT TO THIS SECTION SHALL BE
20 DEPOSITED TO THE SNOW AND ICE REMOVAL FUND ESTABLISHED PURSUANT TO
21 SECTION SEVENTY-FOUR-A OF THE STATE FINANCE LAW.

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

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

3 S 2. Section 125 of the vehicle and traffic law, as amended by chapter
4 365 of the laws of 2008, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) THIRTY PERCENT OF THE MONEYS SHALL BE TRANSFERRED TO THE DEPARTMENT OF TRANSPORTATION FOR THE GRANT PROGRAM ESTABLISHED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION TWENTY-THREE OF THE TRANSPORTATION LAW.

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

S 5. The public authorities law is amended by adding a new section 389 to read as follows:

S 389. SNOW AND ICE REMOVAL SITES. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "COMMON CARRIER" SHALL MEAN ANY PERSON THAT TRANSPORTS PASSENGERS BY MOTOR VEHICLE FOR COMPENSATION BY PROVIDING SERVICE FOR THE GENERAL PUBLIC ON AN INDIVIDUAL FARE BASIS OVER REGULAR OR IRREGULAR ROUTES OR ANY PERSON THAT TRANSPORTS PROPERTY BY MOTOR VEHICLE FOR COMPENSATION FOR THE GENERAL PUBLIC. IT SHALL INCLUDE A BUS LINE WHICH IS A MOTOR VEHICLE THAT IS USUALLY CHARACTERIZED BY THE USE OF VEHICLES HAVING A SEATING CAPACITY OF GREATER THAN TWENTY PASSENGERS; BY MULTIPLE PICKUP AND DISCHARGE POINTS ALONG DESIGNATED ROUTES; AND BY NO PREARRANGEMENTS OR RESERVATIONS BY PASSENGERS.

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

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

S 23. SNOW AND ICE REMOVAL. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "COMMON CARRIER" SHALL MEAN ANY PERSON THAT TRANSPORTS PASSENGERS

1 BY MOTOR VEHICLE FOR COMPENSATION BY PROVIDING SERVICE FOR THE GENERAL
2 PUBLIC ON AN INDIVIDUAL FARE BASIS OVER REGULAR OR IRREGULAR ROUTES OR
3 ANY PERSON THAT TRANSPORTS PROPERTY BY MOTOR VEHICLE FOR COMPENSATION
4 FOR THE GENERAL PUBLIC. IT SHALL INCLUDE A BUS LINE WHICH IS A MOTOR
5 VEHICLE THAT IS USUALLY CHARACTERIZED BY THE USE OF VEHICLES HAVING A
6 SEATING CAPACITY OF GREATER THAN TWENTY PASSENGERS; BY MULTIPLE PICKUP
7 AND DISCHARGE POINTS ALONG DESIGNATED ROUTES; AND BY NO PREARRANGEMENTS
8 OR RESERVATIONS BY PASSENGERS.

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

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

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

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

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

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

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

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

41 S 7. This act shall take effect on the first of November next succeed-
42 ing the date on which it shall have become a law; provided, however,
43 that the amendments to section 200 of the vehicle and traffic law made
44 by section three of this act shall expire and be deemed repealed Septem-
45 ber 1, 2023.