

5757--B

2015-2016 Regular Sessions

I N S E N A T E

June 2, 2015

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Introduced by Sens. MURPHY, GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 exceptions from prohibitions on the operation of commercial vehicles on certain state highways and parkways

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

1 Section 1. Paragraphs 9 and 22 of subdivision (a) of section 1621 of  
2 the vehicle and traffic law, paragraph 9 as amended and paragraph 22 as  
3 added by chapter 1008 of the laws of 1983, are amended to read as  
4 follows:

5 9. Exclude trucks, commercial vehicles, tractors, tractor-trailer  
6 combinations, tractor-semitrailer combinations, or tractor-trailer-semi-  
7 trailer combinations from highways specified by the commissioner. Such  
8 exclusion shall not be construed to prevent the delivery or pickup of  
9 merchandise or other property along the highways from which such vehi-  
10 cles and combinations are otherwise excluded, NOR SHALL SUCH EXCLUSION  
11 APPLY TO CERTAIN COMMERCIAL VEHICLES DIRECTLY ENGAGED IN THE PERFORMANCE  
12 OF A CRITICAL SERVICE BUSINESS AND SUBJECT TO A VALID WORK ORDER.

13 22. Exclude trucks, commercial vehicles, tractors, tractor-trailer  
14 combinations, tractor-semitrailer combinations, or tractor-trailer-semi-  
15 trailer combinations in excess of any designated weight, designated  
16 length, designated height, or eight feet in width, from highways or set  
17 limits on hours of operation of such vehicles on particular state high-  
18 ways or segments of such highways. Such exclusion shall not be construed  
19 to prevent the delivery or pickup of merchandise or other property along

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

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1 the highways from which such vehicles or combinations are otherwise  
2 excluded, NOR SHALL SUCH EXCLUSION APPLY TO CERTAIN COMMERCIAL VEHICLES  
3 DIRECTLY ENGAGED IN THE PERFORMANCE OF A CRITICAL SERVICE BUSINESS AND  
4 SUBJECT TO A VALID WORK ORDER.

5 S 2. Section 1621 of the vehicle and traffic law is amended by adding  
6 a new subdivision (e) to read as follows:

7 (E) 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AND  
8 SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN PARAGRAPH TWO OF THIS  
9 SUBDIVISION, NO RULE OR REGULATION OF THE DEPARTMENT OF TRANSPORTATION  
10 OR THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION SHALL  
11 EXCLUDE FROM ANY STATE HIGHWAY OR PARKWAY A COMMERCIAL VEHICLE DIRECTLY  
12 ENGAGED IN THE PERFORMANCE OF A CRITICAL SERVICE BUSINESS. FOR THE  
13 PURPOSES OF THIS SECTION, "CRITICAL SERVICE BUSINESS" SHALL MEAN THE  
14 IMPROVEMENT, REPAIR OR MAINTENANCE OF THE PROPERTY OR EQUIPMENT OF AN  
15 ELECTRIC CORPORATION, GAS CORPORATION, COMBINED ELECTRIC AND GAS CORPO-  
16 RATION, CABLE TELEVISION COMPANY OR TELECOMMUNICATIONS CORPORATION, AS  
17 THOSE TERMS ARE DEFINED IN THE PUBLIC SERVICE LAW, A TRANSPORTATION  
18 CORPORATION, AS DEFINED IN THE TRANSPORTATION CORPORATION LAW, OR A  
19 WIRELESS COMMUNICATION SERVICE SUPPLIER, AS DEFINED IN 47 USC S 332(D)  
20 AS AMENDED FROM TIME TO TIME. THE TERM "DIRECTLY ENGAGED" SHALL INCLUDE  
21 TRANSIT TO AND FROM ANY IMPROVEMENT, REPAIR OR MAINTENANCE SUBJECT TO A  
22 VALID WORK ORDER.

23 2. NO COMMERCIAL VEHICLE SHALL BE SUBJECT TO AN EXCLUSION AS SET FORTH  
24 IN PARAGRAPH ONE OF THIS SUBDIVISION UNLESS THE OPERATION OF SUCH VEHI-  
25 CLE ON A STATE HIGHWAY OR PARKWAY MEETS THE FOLLOWING TERMS AND CONDI-  
26 TIONS:

27 (I) THE VEHICLE IS REGISTERED OR LEASED TO A VALID CRITICAL SERVICE  
28 BUSINESS;

29 (II) THE OPERATOR HAS IN HIS OR HER POSSESSION A VALID WORK ORDER TO  
30 CONDUCT A CRITICAL BUSINESS SERVICE;

31 (III) THE VEHICLE WEIGHS LESS THAN TEN THOUSAND POUNDS;

32 (IV) THE VEHICLE MEETS THE HEIGHT RESTRICTIONS FOR ANY SUCH HIGHWAY OR  
33 PARKWAY;

34 (V) THE VEHICLE IS OPERATING WITH ALL EXTERNAL RUNNING LIGHTS ON AND  
35 AN AMBER REVOLVING LIGHT LOCATED ON THE ROOF OF THE VEHICLE IS ENGAGED;  
36 AND

37 (VI) THE VEHICLE IS SUBJECT TO AN APPROVED CERTIFICATE OF INSURANCE.

38 3. NOTHING CONTAINED IN THIS SECTION SHALL BE DEEMED TO IMPAIR THE  
39 ABILITY OF THE GOVERNOR TO WAIVE ALL RESTRICTIONS FOR OPERATION ON A  
40 STATE HIGHWAY PURSUANT TO A DECLARED STATE OF EMERGENCY.

41 S 3. This act shall take effect immediately.