

STATE OF NEW YORK

6926--A

2017-2018 Regular Sessions

IN ASSEMBLY

March 24, 2017

Introduced by M. of A. MAGNARELLI, McDONALD, HARRIS, SCHIMMINGER, D'URSO, JONES, WALLACE -- Multi-Sponsored by -- M. of A. MAGEE, THIELE -- read once and referred 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 special hauling permits for vehicle combinations

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
2 vehicle and traffic law, as amended by section 1 of part C of chapter 59
3 of 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

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

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1 be grounds for the cancellation of an individual's escort certificate
2 and a penalty not to exceed five hundred dollars per occurrence for the
3 first violation and not to exceed one thousand dollars per occurrence
4 for each subsequent violation. Prior to issuing such a finding, the
5 commissioner of transportation shall afford an individual the right to a
6 hearing pursuant to section one hundred forty-five of the transportation
7 law. Such rules and regulations shall take into consideration, but shall
8 not be limited to, the safety of the traveling public and the protection
9 of the highways and the environment. Such rules and regulations shall
10 also contain a schedule of fees to be charged for the issuance of such
11 permits which fees shall cover, but shall not be limited to, the costs
12 to the department of transportation for the administration of the permit
13 program, and shall permit the commissioner of transportation to levy a
14 surcharge of up to twenty dollars for the issuance and distribution of
15 special hauling permits at regional offices of the department of trans-
16 portation. The annual vehicle fee for a permit issued pursuant to
17 subparagraphs (i), (ii), (ii-a) and (iii) of paragraph (f) of this
18 subdivision shall be three hundred sixty dollars for vehicles with less
19 than five axles, seven hundred fifty dollars for vehicles with five or
20 six axles and nine hundred dollars for vehicles with seven or more
21 axles. The annual vehicle fee for a permit issued pursuant to subpara-
22 graphs (iv), (v), and (vi) of paragraph (f) of this subdivision shall be
23 four hundred eighty dollars for vehicles with less than five axles and
24 one thousand dollars for vehicles with five or more axles. Additionally,
25 the commissioner shall establish a fee schedule for the permitting of
26 extra non-power combination units that may not exceed twenty-five
27 dollars per vehicle and may offer discounts for multi-trailer registra-
28 tions. Such fees shall not be charged to municipalities in this state. A
29 permit issued by the commissioner to a municipality pursuant to this
30 subdivision, that would otherwise be annual, shall not expire until such
31 municipality removes such permitted vehicle from operation; provided,
32 however, that any amendment to such permit shall remain subject to the
33 commissioner's approval and nothing contained in this paragraph shall be
34 deemed to alter the authority of the commissioner to revoke any such
35 permit as authorized by this chapter. If the permit has routing require-
36 ments, such rules and regulations shall provide that if the routing
37 anticipates the use of highways not under the jurisdiction of the
38 commissioner of transportation, then he or she shall immediately notify
39 the municipality or municipalities, having jurisdiction over such high-
40 way that an application for a permit has been received and request
41 comment thereon. Said municipality or municipalities shall not have
42 less than fifteen days to comment. Such rules and regulations shall also
43 contain any other requirements deemed necessary by the commissioner of
44 transportation.

45 § 2. This act shall take effect on the sixtieth day after it shall
46 have become a law; provided, however, that effective immediately, the
47 addition, amendment and/or repeal of any rule or regulation necessary
48 for the implementation of this act on its effective date are authorized
49 and directed to be made and completed on or before such effective date.