

# STATE OF NEW YORK

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2904--A

2017-2018 Regular Sessions

## IN SENATE

January 18, 2017

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Introduced by Sen. RITCHIE -- 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 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  
23 be grounds for the cancellation of an individual's escort certificate

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

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

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