STATE OF NEW YORK

1308

2019-2020 Regular Sessions

IN SENATE

January 14, 2019

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to exceptions from prohibitions on the operation of agricultural plated trucks on certain state highways and parkways

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

9. Exclude trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semi-trailer combinations from highways specified by the commissioner. Such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles and combinations are otherwise excluded**, nor shall such exclusion apply to agricultural plated trucks directly engaged in the furtherance of the farm operation**.

22. Exclude trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semi-trailer combinations in excess of any designated weight, designated length, designated height, or eight feet in width, from highways or set limits on hours of operation of such vehicles on particular state highways or segments of such highways. Such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles or combinations are otherwise excluded**, nor shall such exclusion apply to agricultural plated trucks directly engaged in the furtherance of the farm operation**.

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

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

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(e) 1. Notwithstanding any provision of law to the contrary, and subject to the terms and conditions set forth in paragraph two of this subdivision, no rule or regulation of the department of transportation or the office or parks, recreation and historic preservation shall exclude from any state highway or parkway an agricultural plated vehicle directly engaged in the furtherance of the farm operation. For the purposes of this section, "farm operation" shall mean the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation," a "timber operation," "compost, mulch or other biomass crops" and "commercial equine operation" as defined in subdivision eleven of section three hundred one of the agricultural and markets law. For the purposes of this section, "agricultural plated truck" shall mean a truck and an agricultural trailer shall be a trailer, other than a coach or house trailer or semitrailer, owned by a person engaged in production by means of the planting, cultivation and harvesting of agricultural, vegetable and food products of the soil, including horticultural specialties such as nursery stock, ornamental shrubs, ornamental trees and flowers, the raising, feeding and care of livestock, bees and poultry or dairy farming. Such agricultural truck and agricultural trailer shall be used only for the transportation of his own agricultural or dairy commodities or supplies or for personal passenger use, or use in conjunction with lumbering operations connected with but only incidental to the operation of a farm as defined in section four hundred one of this chapter.

2. An agricultural plated truck shall be exempt from exclusion pursuant to the provisions of this subdivision if the operation of such vehicle on a state highway or parkway meets the following terms and conditions:

(i) the operator is operating the agricultural plated truck for the furtherance of the farm operation;

(ii) the vehicle weighs less than twelve thousand pounds;

(iii) the vehicle meets the height restrictions for any such highway or parkway; and

(iv) the vehicle must not operate on any such parkway south of the intersection of Interstate 84 and the Taconic Parkway.

3. Nothing contained in this subdivision shall be deemed to impair the ability of the governor to waive all restrictions for operation on a state highway pursuant to a declared state of emergency.

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