STATE OF NEW YORK

6225

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. SIMON -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to calibration checks for weigh in motion violation monitoring systems

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

Section 1. Subdivision 3 of section 385-a of the vehicle and traffic law, as added by chapter 773 of the laws of 2021, is amended to read as follows:

3. Each weigh in motion violation monitoring system shall undergo a calibration check every six months in accordance with [~~American Society for Testing and Materials (ASTM) standard specification E1318-09 (2017). If such standard specification is revised, the New York city department of transportation shall adopt a rule to provide for the use of the most current version of such standard specification~~] **specifications prescribed pursuant to a memorandum of agreement between the New York city department of transportation and the New York state department of agriculture and markets, or in accordance with an applicable reference standard as determined by the New York city department of transportation**. Such calibration check shall be performed by an independent calibration laboratory which shall issue a signed certificate of calibration on its letterhead to the city of New York. Nothing contained in this paragraph shall be deemed to require the signature of a notary public on such certificate. The city shall retain each such bi-annual certificate of calibration on file until the final resolution of all cases involving notices of liability issued during such six-month time period which were based on photographs, microphotographs, video or other recorded images, and information and data generated in conjunction therewith, produced by such weigh in motion violation monitoring system.

§ 2. This act shall take effect immediately; provided, however, that the amendments to subdivision 3 of section 385-a of the vehicle and traffic law made by section one of this act shall not affect the repeal of such subdivision and shall expire and be deemed repealed therewith.

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

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