STATE OF NEW YORK

9799

IN ASSEMBLY

April 9, 2024

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

AN ACT to amend the vehicle and traffic law, in relation to certain requirements for side under-ride guards

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

Section 1. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 10-f to read as follows:

10-f. Twenty-four months from the effective date of this subdivision, every truck, tractor, and tractor-trailer or semitrailer combination registered in this state having a gross vehicle weight rating of twenty-six thousand pounds or more, and a conventional cab configuration in which more than half of the engine length is forward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle length, whenever operated within a city having a population of one million or more on highways other than controlled-access highways, shall be equipped with side under-ride guards affixed to the sides of such vehicles in a manner consistent with rules and regulations that shall be promulgated by the commissioner, in consultation with the commissioner of transportation. For the purposes of this section, "side under-ride guard" shall mean a device fit to the side of a large vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles and to prevent passenger vehicles from sliding under such vehicles. The provisions of this subdivision do not apply to trucks, tractors, and tractor-trailer or semitrailer combinations in the state fleet or city fleet or in any city contracted vehicle, as defined by section 6-141 of the administrative code of the city of New York. The commissioner shall be authorized to promulgate any rules necessary to inspect side under-ride guards and side under-ride guard specifications for compliance with the requirements of this subdivision.

§ 2. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 55 to read as follows:

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

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55. (a) For the purposes of this subdivision, "side under-ride guard" shall mean a device fit to the side of a large vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles and to prevent passenger vehicles from sliding under such vehicles.

(b) Twenty-four months from the effective date of this subdivision, all vehicles with a manufacturer's gross vehicle weight rating exceeding ten thousand pounds in the state fleet shall be equipped with side under-ride guards affixed to the sides of such vehicles in a manner consistent with rules and regulations that shall be promulgated by the commissioner, in consultation with the commissioner of transportation. The commissioner shall have the authority to promulgate any rules necessary to administer the provisions of this subdivision, including but not limited to rules governing when the installation of side under-ride guards on certain vehicles in the state fleet is impractical or will disrupt provision of public safety or public health services and will not be required. Such rules may also govern when written exemptions may be authorized, including due to limitations in vendor capacity to supply side under-ride guards and circumstances in which state-owned vehicles are in the order cycle for replacement. The commissioner shall be authorized to promulgate any rules necessary to inspect side under-ride guards and side under-ride guard specifications for compliance with the requirements of this subdivision.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. 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 to be made and completed on or before such effective date.