

# STATE OF NEW YORK

6246

2023-2024 Regular Sessions

## IN SENATE

April 6, 2023

Introduced by Sen. GOUNARDES -- 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 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:

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

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

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27 of such subdivision and shall expire and be deemed repealed therewith.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