§ 385. Dimensions and weights of vehicles. No person shall operate or move, or cause or knowingly permit to be operated or moved on any highway or bridge thereon, in any county not wholly included within a city, any vehicle or combination of vehicles of a size or weight exceeding the limitations provided for in this section. Except as otherwise specifically provided in subdivision fifteen of this section, no person shall operate or move, or cause or knowingly permit to be operated or moved on any highway or bridge thereon, in any city not wholly included within one county, any vehicle or combination of vehicles of a size or weight exceeding the limitations provided for in the rules and regulations of the city department of transportation of such city adopted pursuant to section sixteen hundred forty-two of this chapter.

1. (a) (i) The width of a vehicle, inclusive of load, shall be not more than ninety-six inches plus safety devices, except that the maximum width of a vehicle, inclusive of load, shall be one hundred two inches, plus safety devices, on any qualifying or access highway. Except in a city not wholly included within one county, the maximum width of a vehicle, inclusive of load shall not be more than one hundred two inches plus safety devices on any other highway with traffic lanes designed to be a width of ten feet or more.

(ii) If the legislative body of a county not wholly contained within a city determines that any specific segment of the state highway system is not capable of safely accommodating motor vehicles with a width of one hundred two inches, plus safety devices, such body may notify the commissioner of transportation of such determination and request that the commissioner designate such segment as one where the width of motor vehicles may not exceed ninety-six inches, plus safety devices.

Before making such notification, such county legislative body shall consult with units of local government within the county in which the specific segment of such system is located, as well as the county legislative body of any county adjacent to the requesting county that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that:

(A) can safely accommodate motor vehicles having the widths set forth in this paragraph; and

(B) serves the area in which such segment is located.

The county legislative body shall transmit with such notification specific evidence of safety problems that supports such determination and the results of consultations regarding any alternative route.

If the commissioner of transportation determines, upon request by a county legislative body or on the commissioner's own initiative, that any segment of the state highway system is not capable of safely accommodating motor vehicles having the widths set forth in this paragraph, the commissioner shall exempt such segment from the provisions of this paragraph.

(b) The provisions of paragraph (a) of this subdivision shall not apply to vehicles and implements or combinations thereof, not over twelve feet in width and used solely for farm purposes, except upon any highway at any time on which operation is prohibited by order of the department of transportation.

(c) The provisions of paragraph (a) of this subdivision shall not apply to vehicles and implements or combinations thereof, between twelve and up to seventeen feet in width, used solely for farm purposes when the following requirements are met:

(i) the vehicle and implement or combination thereof is operated during the period from one-half hour before sunrise to one-half hour after sunset;

(ii) red or orange fluorescent flags not smaller than eighteen inches square, and reflectors are placed on the extreme corners of the load;

(iii) two flashing amber lights in compliance with regulations prescribed by the commissioner of transportation are attached to the rear of the load or, if the vehicle hauling such implement is equipped with hazard lights which are visible from the rear of the load, such lights are flashing; and

(iv) if the vehicle or load extends beyond the center line of a highway or if the vehicle is being operated during any time when, due to rain, sleet, snow, hail, fog, insufficient light, or for any other reason, visibility for a distance of one thousand feet ahead is not

clear, the vehicle is preceded by an escort vehicle which is equipped with a warning sign and flashing lights in compliance with regulations prescribed by the commissioner of transportation.

(d) The provisions of paragraph (a) of this subdivision shall not apply to vehicles and implements or combinations thereof, not over thirteen feet in width and designed and intended for use solely for farm purposes when owned or in the possession of a dealer in farm implements and equipment, during the same period and under the same conditions and restrictions as set forth in paragraph (b) of this subdivision; nor shall paragraph (a) of this subdivision apply to the transportation of such vehicles, implements and combinations thereof as a load on another vehicle, such vehicle and load not to exceed thirteen feet in width, during the same period and under the same conditions and restrictions as set forth in paragraph (b) of this subdivision.

(e) The provisions of paragraph (a) of this subdivision shall not apply to omnibuses or buses used solely for the transportation of children to and from school, but the width of such omnibuses shall not exceed ninety-eight inches.

(f) Notwithstanding the provisions of paragraph (a) of this subdivision, the maximum width for omnibuses or buses having a carrying capacity of more than seven passengers shall not exceed one hundred two inches, provided, however, that when omnibuses or buses are operated wholly within a city, such city may, by local law or ordinance but subject to paragraph (h) of this subdivision, limit the width of omnibuses or buses to not more than ninety-eight inches.

(g) Notwithstanding the provisions of paragraph (a) of this subdivision, racks for carrying hay, straw or unthreshed grain may have a width of ten feet at the top of the rack. In no case shall the width at the base of the rack exceed one hundred two inches, nor shall the width of a rack exceed one hundred two inches at any portion thereof while on any qualifying highway.

(h) Notwithstanding the provisions of paragraph (a) of this subdivision, a house coach used for non-commercial purposes may exceed the maximum width applicable on the highway upon which such house coach is traveling if such excess width is wholly attributable to an awning and its support hardware that is no less than seven and one-half feet off the ground and extends no more than six inches beyond the body of

the vehicle on the passenger side and four inches beyond the body of the vehicle on the driver's side. A fifth wheel trailer designed to provide temporary living quarters for recreational, camping, or travel use not to exceed four hundred square feet in the set-up mode and used for non-commercial purposes may exceed the maximum width applicable on the highway upon which such fifth wheel trailer is traveling if such excess width is wholly attributable to an awning and its support hardware that is no less than seven and one-half feet off the ground and extends no more than six inches beyond the body of the vehicle on the passenger side. This provision shall not apply to any city not wholly included within one county except such house coaches and fifth wheel trailers used for non-commercial purposes may be operated on that portion of interstate ninety-five which connects interstate two hundred eighty-seven with interstate two hundred ninety-five, that portion of interstate two hundred ninety-five which connects interstate ninety-five with interstate four hundred ninety-five and that portion of interstate four hundred ninety-five between interstate ninety-five and the Nassau-Queens county line.

(i) The commissioner of transportation may promulgate such rules and regulations as shall be necessary or desirable to effectuate the provisions of this subdivision.

2. The height of a vehicle from under side of tire to top of vehicle, inclusive of load, shall be not more than thirteen and one-half feet. Any damage to highways, bridges or highway structures resulting from the use of a vehicle exceeding thirteen feet in height where such excess height is the proximate cause of the accident shall be compensated for by the owner and operator of such vehicle.

3. (a) The length of a single vehicle, inclusive of load and bumpers, shall be not more than forty feet unless otherwise provided in this subdivision.

(b) The length of a semitrailer or trailer shall not exceed forty-eight feet provided, however, that the length of any trailer or semitrailer being operated in combination with another trailer or semitrailer shall not exceed twenty-eight and one-half feet. A B-train assembly shall be excluded from the measurement of the length of a

semitrailer when such semitrailer is in use between the tractor and the second semitrailer in a tractor-semitrailer-semitrailer combination of vehicles.

(c) The length of buses having a carrying capacity of more than seven passengers shall not exceed forty-five feet, except that the length of articulated buses shall not exceed sixty-two feet. A house coach shall not exceed forty-five feet in length, provided however, that if a house coach exceeds forty feet in length, its wall-to-wall turning diameter shall not exceed ninety feet three inches and moreover, such house coach shall have permanently affixed to its body on the front passenger side door jamb, a data-plate on which the house coach manufacturer indicates the vehicle identification number and wall-to-wall turning diameter and attests to the fact that the wall-to-wall turning diameter is calculated in accordance with the Society of Automotive Engineers J-695 Standard as such standard existed on June first, two thousand three, regarding turning capability. In the event such a house coach exceeds either twenty-six thousand pounds gross vehicle weight rating, is greater than forty feet in length or exceeds both, the operator of such house coach must have a driver's license with a personal use vehicle endorsement as set forth in subparagraph (vii) of paragraph (b) of subdivision two of section five hundred one of the this chapter. This provision shall not apply to any city not wholly included within one county except such house coaches and fifth wheel trailers used for non-commercial purposes may be operated on that portion of interstate ninety-five which connects interstate two hundred eighty-seven with interstate two hundred ninety-five, that portion of interstate two hundred ninety-five which connects interstate ninety-five with interstate four hundred ninety-five and that portion of interstate four hundred ninety-five between interstate ninety-five and the Nassau-Queens county line.

(d) The provisions of this subdivision shall not apply to fire vehicles.

(e) Except in any city not wholly included within one county, any semitrailer with a length in excess of forty-eight feet, but not exceeding fifty-three feet, may be operated on any qualifying highway or specifically designated access highway if the distance between the kingpin of the semitrailer and the centerline of the rear axle does not exceed forty-three feet and if the semitrailer is equipped with a

rear-end protective device of substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than twenty-two inches from the surface as measured with the vehicle empty and on a level surface. In addition, such vehicles may be operated on that portion of interstate ninety-five which connects interstate two hundred eighty-seven with interstate two hundred ninety-five, that portion of interstate two hundred ninety-five which connects interstate ninety-five with interstate four hundred ninety-five and that portion of interstate four hundred ninety-five between interstate ninety-five and the Nassau-Queens county line.

(f) The length of any center panel of an altered livery shall not exceed one hundred inches unless the owner of such vehicle can demonstrate that the livery conforms to all applicable federal and state motor vehicle safety standards at the time of registration in accordance with section four hundred one of this chapter.

(g) The length of a specialized material delivery vehicle, inclusive of load and bumpers, shall not be more than forty feet provided, however, that the portion of an attached boom or forklift that extends beyond the rear bumper by not more than five feet shall be excluded from the measurement of the length of a specialized material delivery vehicle. For the purposes of this paragraph, "specialized material delivery vehicle" shall mean a single unit truck having an attached boom or forklift for the purpose of hoisting, swinging, loading or unloading material from such truck. The provisions of this paragraph authorizing the exclusion from the measurement of the length of a specialized material delivery vehicle shall not apply unless the operator of such vehicle holds a valid commercial driver's license as defined by subdivision one of section five hundred one-a of this chapter.

* NB There are 2 par (g)'s

* (g) The length of a tow truck or car carrier, inclusive of load and bumpers, shall be not more than forty feet, except that a car carrier may have an overhang that extends beyond the rear bumper of such car carrier by not more than three feet and except, further, that a wheel lift that is less than fifteen feet in length shall not be included as part of the length of a tow truck or car carrier when such wheel lift is in use by such tow truck or car carrier to tow another motor vehicle.

* NB There are 2 par (g)'s

(h) The commissioner of motor vehicles in consultation with the commissioner of transportation may promulgate such rules and regulations as shall be necessary or desirable to effectuate the provisions of this subdivision.

4. (a) The total length of a combination of vehicles, inclusive of load and bumpers, shall not be more than sixty-five feet.

(b) The provisions of paragraph (a) of this subdivision shall not apply to:

1. A combination of vehicles being operated on any qualifying highway or access highway;

2. Vehicles of a corporation which is subject to the jurisdiction of the interstate commerce commission, the public service commission or other regulatory body and which are used in the construction, reconstruction, repair or maintenance of its property or facilities, provided that any such vehicle complies with the safety requirements of the laws and regulations of the United States and of this state pertaining to overlength vehicles;

3. Vehicles hauling poles, girders, columns, or other similar objects of great length provided that any such vehicle complies with the safety requirements of the laws and regulations of the United States and of this state pertaining to such overlength vehicles;

4. Fire vehicles;

5. A vehicle or combination of vehicles which is disabled and unable to proceed under its own power and is being towed for a distance not in excess of ten miles for the purpose of repairs or removal from the highway, except that the distance to the nearest exit of a controlled-access highway shall not be considered in determining such ten mile distance;

6. Stinger-steered automobile transporters or stinger-steered boat

transporters, while operating on qualifying and access highways. Stinger-steered boat transporters shall not, however, exceed seventy-five feet exclusive of an overhang of not more than three feet on the front and four feet on the rear of the vehicle and stinger-steered automobile transporters shall not exceed eighty feet exclusive of an overhang of not more than four feet on the front and six feet on the rear of the vehicle; and

7. A combination of vehicles operating on any qualifying or access highways consisting of a power unit and two trailers or semitrailers with a total weight that shall not exceed twenty-six thousand pounds when the overall length is greater than sixty-five feet but shall not exceed eighty-two feet in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.

(c) Notwithstanding the provisions of paragraph (a) of this subdivision, an overhang of not more than three feet on the front and four feet on the rear of an automobile transporter or an overhang of not more than four feet on the front and six feet on the rear of a stinger-steered automobile transporter or an overhang of not more than three feet on the front and four feet on the rear of a boat transporter or stinger-steered boat transporter shall be permitted.

5. In determining the number of wheels and axles on any vehicle or combination of vehicles within the meaning of this section, only two wheels shall be counted for each axle, and axles which are less than forty-six inches apart, from center to center, shall be counted as one axle. However, in the case of multiple tires or multiple wheels, the sum of the widths of all the tires on a wheel or combination of wheels shall be taken in determining tire width.

6. The weight per inch width of tire on any one wheel of a single vehicle or a combination of vehicles equipped with pneumatic tires, when loaded, shall be not more than eight hundred pounds.

7. The weight on any one wheel of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, shall be not more

than eleven thousand two hundred pounds.

8. The weight on any one axle of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, shall be not more than twenty-two thousand four hundred pounds.

9. The weight on any two consecutive axles of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, and when such axles are spaced less than eight feet from center to center, shall be not more than thirty-six thousand pounds, except where axles are spaced eight feet or greater, but less than ten feet, the weight on those two axles shall not exceed that permitted by paragraph (b) of subdivision ten of this section and, in addition, shall not exceed forty thousand pounds. Axles to be counted as provided in subdivision five of this section.

10. A single vehicle or a combination of vehicles having three axles or more and equipped with pneumatic tires, when loaded, may have a total weight on all axles not to exceed thirty-four thousand pounds, plus one thousand pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle. Axles to be counted as provided in subdivision five of this section. In no case, however, shall the total weight exceed eighty thousand pounds except for a vehicle if operated by an engine fueled primarily by natural gas which may have a maximum gross weight of up to eighty-two thousand pounds. For any vehicle or combination of vehicles having a total gross weight less than seventy-one thousand pounds, the higher of the following shall apply:

(a) the total weight on all axles shall not exceed thirty-four thousand pounds plus one thousand pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle, or

(b) the overall gross weight on a group of two or more consecutive axles shall not exceed the weight produced by application of the following formula:

$$W = 500 ((LxN)/(N-1) + (12xN)+36)$$

where W equals overall gross weight on any group of two or more

consecutive axles to the nearest five hundred pounds, L equals distance in feet from the center of the foremost axle to the center of the rearmost axle of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

For any vehicle or combination of vehicles having a total gross weight of seventy-one thousand pounds or greater, paragraph (b) shall apply to determine maximum gross weight which is permitted hereunder.

10-a. (a) Notwithstanding the provisions of subdivisions seven, eight, nine, ten, eleven and twelve of this section, the calculation of weight pursuant to such subdivisions shall exclude the actual weight, not to exceed four hundred pounds, of a fully-functioning idle reduction device installed on a vehicle or combination of vehicles that are subject to such subdivisions, provided that the operator of such vehicle: (i) maintains written certification of the actual weight of such device and acceptable proof that it is fully functional; and (ii) provides such certification and proof, upon request, to a law enforcement officer or any other officer or employee authorized to enforce this section. Acceptable proof of the functionality of such device shall consist of written certification from the manufacturer of such idle reduction device, physical demonstration, or any other documentation acceptable to the commissioner of transportation as may be set forth in regulations promulgated by such commissioner after consultation with the commissioner of environmental conservation.

(b) For the purposes of this subdivision, the following terms shall have the following meanings: (i) "auxiliary power unit" shall mean an integrated system that (A) provides heat, air conditioning, engine warming, or electricity to components on a vehicle which is subject to the provisions of this section and (B) is certified under part eighty-nine of title forty of the code of federal regulations (as may from time to time be amended) as meeting applicable emission standards; and (ii) "idle reduction device" shall mean an auxiliary power unit or

other technology that is used to reduce long-duration idling (as such term is defined in paragraph seven of subdivision (a) of section 16104 of the United States code as may from time to time be amended) and allows for the main drive engine or auxiliary refrigeration engine to be shut down.

11. A vehicle or combination of vehicles equipped with any solid rubber tires shall not have weights more than eighty per centum of those permitted in this section for pneumatic tires. Notwithstanding the provisions of this section, vehicles equipped with solid rubber tires and registered in this state prior to January first, nineteen hundred thirty-two shall be permitted to operate until January first, nineteen hundred thirty-three under tire and axle loadings prescribed by chapter four hundred ninety-eight of the laws of nineteen hundred thirty.

12. Motor vehicles or vehicles drawn by motor vehicles when equipped with metal tires shall not have weights more than forty per centum of those permitted in this section for pneumatic tires.

13. For the purpose of this section, the width of pneumatic tires shall be ascertained by measuring the greatest width of the tire casing when tire is inflated. The width of solid rubber tires shall be ascertained by measuring the width of the tire base channel or between the flanges of the metal rim, provided that no vehicle equipped with solid rubber tires shall be operated upon a public highway, which has at any point less than one inch of rubber above the top or beyond the flange or rim. The width of metal tires shall be ascertained by measuring the width of contact of the tire with the road surface.

14. No person shall operate or move a vehicle or a combination of vehicles over, on or through any bridge or structure on any highway if the weight of such vehicle, or combination of vehicles, and load, is greater than the posted capacity of the structure or exceeds the height of the posted clearance as shown by an official sign.

15. Except where inconsistent with federal law, rules and regulations: (a) The commissioner of transportation is hereby authorized to continue

to grant permits, and to charge fees therefor, for the operation or movement of a vehicle or combination of vehicles having weights or dimensions which exceed the limitations provided for in this section upon any highway under his or her jurisdiction except that such permit shall not be valid for the operation or movement of such vehicles on any state or other highway within any city not wholly included within one county. Such permits shall be issued in accordance with the terms and conditions contained in rules and regulations governing special hauling permits which have been or shall be promulgated by the commissioner of transportation and which may include, but not be limited to, a requirement that a vehicle or combination of vehicles being issued a permit shall be accompanied by one or more escort vehicles which is being operated by an individual having a valid escort certificate issued by the commissioner. The commissioner of transportation is authorized to promulgate rules and regulations governing the operation, use and equipment of escort vehicles and the duties and responsibilities of the operator of an escort vehicle. Any finding by the commissioner of transportation that an individual has violated such rules and regulations shall be grounds for the cancellation of an individual's escort certificate and a penalty not to exceed five hundred dollars per occurrence for the first violation and not to exceed one thousand dollars per occurrence for each subsequent violation. Prior to issuing such a finding, the commissioner of transportation shall afford an individual the right to a hearing pursuant to section one hundred forty-five of the transportation law. Such rules and regulations shall take into consideration, but shall not be limited to, the safety of the traveling public and the protection of the highways and the environment. Such rules and regulations shall also contain a schedule of fees to be charged for the issuance of such permits which fees shall cover, but shall not be limited to, the costs to the department of transportation for the administration of the permit program, and shall permit the commissioner of transportation to levy a surcharge of up to twenty dollars for the issuance and distribution of special hauling permits at regional offices of the department of transportation. The annual vehicle fee for a permit issued pursuant to subparagraphs (i), (ii), (ii-a) and (iii) of paragraph (f) of this subdivision shall be three hundred sixty dollars for vehicles with less than five axles, seven hundred fifty

dollars for vehicles with five or six axles and nine hundred dollars for vehicles with seven or more axles. The annual vehicle fee for a permit issued pursuant to subparagraphs (iv), (v), and (vi) of paragraph (f) of this subdivision shall be four hundred eighty dollars for vehicles with less than five axles and one thousand dollars for vehicles with five or more axles. Additionally, the commissioner shall establish a fee schedule for the permitting of extra non-power combination units that may not exceed twenty-five dollars per vehicle and may offer discounts for multi-trailer registrations. Such fees shall not be charged to municipalities in this state. A permit issued by the commissioner to a municipality pursuant to this subdivision, that would otherwise be annual, shall not expire until such municipality removes such permitted vehicle from operation; provided, however, that any amendment to such permit shall remain subject to the commissioner's approval and nothing contained in this paragraph shall be deemed to alter the authority of the commissioner to revoke any such permit as authorized by this chapter. If the permit has routing requirements, such rules and regulations shall provide that if the routing anticipates the use of highways not under the jurisdiction of the commissioner of transportation, then he or she shall immediately notify the municipality or municipalities, having jurisdiction over such highway that an application for a permit has been received and request comment thereon. Said municipality or municipalities shall not have less than fifteen days to comment. Such rules and regulations shall also contain any other requirements deemed necessary by the commissioner of transportation.

(b) Upon application in writing and good cause being shown, the department of transportation may issue a permit pursuant to this subdivision to operate or move a vehicle or a combination of vehicles, the weights or the dimensions of which exceed the limitations provided for in this section upon any highway under its jurisdiction except that such permit shall not be valid for the operation or movement of such vehicles on any state or other highway within any city not wholly included within one county. For any other public highway in any county not wholly included within a city which is not on the state system of highways the authority having jurisdiction over same may issue a similar permit, provided that the fee charged for such permit shall not exceed ten dollars.

(c) Upon application in writing and good cause being shown, the city department of transportation of a city not wholly included within one county may issue a permit pursuant to this subdivision to operate or move a vehicle or a combination of vehicles the weights or the dimensions of which exceed the limitations provided for in the rules and regulations of the city department of transportation of such city upon all highways within such city including highways which are on the state system of highways. The rules and regulations of such city department of transportation shall contain a schedule of fees to be charged for the issuance of such permits which fees shall cover, but shall not be limited to, the costs to the city for the administration of the permit program. Such rules and regulations shall also contain any other requirements deemed necessary by the city commissioner of transportation.

(d) Except during storms, floods, fires or other public emergencies, no such permit may be issued to include a towing operation involving more than two vehicles except three vehicle combinations consisting of a tractor, semitrailer and trailer or a tractor and two trailers within legal weight and width limits proceeding to or from any qualifying highway or access highway. Every such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the issuing authority. Every such permit shall be carried on the vehicle to which it refers and shall be open to the inspection of any peace officer, acting pursuant to his special duties, or police officer, or any other officer or employee authorized to enforce this section. All permits issued shall be revocable by the authority issuing them at the discretion of the authority without a hearing or the necessity of showing cause. Except for a vehicle having a maximum gross weight not exceeding eighty thousand pounds without regard to any axle weight limitation set forth herein or the maximum gross weight established by the formula commonly referred to as the bridge formula as set forth in subdivision ten of this section and except for state or municipally-owned single vehicles engaged in snow and ice control operations, or designed or fitted for snow and ice control operations while engaged in other public works operations on public highways which do not exceed the weight limits contained in subdivision seventeen-a of this section, no permit shall be issued to allow operation or movement

of any vehicle or combination of vehicles whose weight exceeds the limitations otherwise prescribed in this section other than an annual permit issued pursuant to paragraph (f) of this subdivision except upon a finding by the department of transportation or the appropriate authority, as the case may be, that the load proposed is of one piece or item or otherwise cannot be separated into units of less weight provided, however, that any such permit issued upon such finding shall not be valid for the operation or movement of such vehicles on any state or other highway within any city not wholly included within one county. Bulk milk may be considered one piece or item.

(e) The department of transportation or the issuing authority, as the case may be, shall establish criteria by rule or regulation under which any vehicle, combination of vehicles, or specified cargoes in specified circumstances or specified sites, routing or projects may be considered one piece or item for the purpose of a permit under this subdivision.

(f) The department of transportation, or other issuing authority, may issue an annual permit for a vehicle designed and constructed to carry loads that are not of one piece or item, which is registered in this state. Motor carriers having apportioned vehicles registered under the international registration plan must either have a currently valid permit at the time this provision becomes effective or shall have designated New York as its base state or one of the eligible jurisdictions of operation under the international registration plan in order to be eligible to receive a permit issued pursuant to subparagraph (i), (ii) or (ii-a) of this paragraph. No permit issued pursuant to this paragraph shall be valid for the operation or movement of vehicles on any state or other highway within any city not wholly included within one county unless such permit was issued by the city department of transportation of such city.

Effective January first, two thousand five, no vehicle or combination of vehicles issued a permit pursuant to this paragraph shall cross a bridge designated as an R-posted bridge by the commissioner of transportation or any other permit issuing authority absent a determination by such commissioner or permit issuing authority that the permit applicant has demonstrated special circumstances warranting the crossing of such bridge or bridges and a determination by such

commissioner or permit issuing authority that such bridge or bridges may be crossed safely, provided, however, that in no event shall a vehicle or combination of vehicles issued a permit under this paragraph be permitted to cross a bridge designated as an R-posted bridge if such vehicle or combination of vehicles has a maximum gross weight exceeding one hundred two thousand pounds, and provided further, however, that nothing contained herein shall be deemed to authorize any vehicle or combination of vehicles to cross any such bridge within any city not wholly included within one county unless such vehicle or combination of vehicles has been issued a valid permit by the city department of transportation of such city pursuant to this subdivision.

No vehicle having a model year of two thousand six or newer shall be issued a permit pursuant to this paragraph unless each axle of such vehicle or combination of vehicles, other than steerable or trackable axles, is equipped with two tires on each side of the axle, any air pressure controls for lift axles are located outside the cab of the vehicle and are beyond the reach of occupants of the cab while the vehicle is in motion, the weight on any grouping of two or more axles is distributed such that no axle in the grouping carries less than eighty percent of any other axle in the grouping and any liftable axle is steerable or trackable; and, further provided, after December thirty-first, two thousand nineteen, no permit shall be issued pursuant to this paragraph to a vehicle of any model year that does not meet the requirements of this provision, except that such permits may be issued prior to January first, two thousand twenty to a vehicle that does not meet the requirement concerning axle grouping weight distribution, but meets all other requirements of this section.

A divisible load permit may only be transferred to a replacement vehicle by the same registrant or transferred with the permitted vehicle as part of the sale or transfer of the permit holder's business; or, if the divisible load permit is issued pursuant to subparagraph (iv), (v) or (vi) of this paragraph for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess and has been effective for the five years preceding a transfer of such permit, the permit may be transferred with the permitted vehicle in the sale of the

permitted vehicle to the holder of a permit issued pursuant to subparagraph (iv), (v) or (vi) of this paragraph for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess.

If a permit holder operates a vehicle or combination of vehicles in violation of any posted weight restriction, the permit issued to such vehicle or combination of vehicles shall be deemed void as of the next day and shall not be reissued for a period of twelve calendar months.

Until June thirtieth, nineteen hundred ninety-four, no more than sixteen thousand power units shall be issued annual permits by the department for any twelve-month period in accordance with this paragraph. After June thirtieth, nineteen hundred ninety-four, no more than sixteen thousand five hundred power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, nineteen hundred ninety-five, no more than seventeen thousand power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand three, no more than twenty-one thousand power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand five, no more than twenty-two thousand power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand six, no more than twenty-three thousand power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand seven, no more than twenty-four thousand power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand eight, no more than twenty-five thousand power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand sixteen, no more than twenty-seven thousand power units shall be issued annual permits by the department for any twelve-month period.

Whenever permit application requests exceed permit availability, the department shall renew annual permits that have been expired for less

than four years which meet program requirements, and then shall issue permit applicants having less than three divisible load permits such additional permits as the applicant may request, providing that the total of existing and new permits does not exceed three. Remaining permits shall be allocated by lottery in accordance with procedures established by the commissioner in rules and regulations.

The department of transportation may issue a seasonal agricultural permit in accordance with subparagraphs (i), (ii) and (iii) of this paragraph that will be valid for four consecutive months with a fee equal to one-half the annual permit fees established under this subdivision.

For a vehicle issued a permit in accordance with subparagraphs (iii), (iv), (v) and (vi) of this paragraph, such a vehicle must have been registered in this state prior to January first, nineteen hundred eighty-six or be a vehicle or combination of vehicles which replace such type of vehicle which was registered in this state prior to such date provided that the manufacturer's recommended maximum gross weight of the replacement vehicle or combination of vehicles does not exceed the weight for which a permit may be issued and the maximum load to be carried on the replacement vehicle or combination of vehicles does not exceed the maximum load which could have been carried on the vehicle being replaced or the registered weight of such vehicle, whichever is lower, in accordance with the following subparagraphs:

(i) A permit may be issued for a vehicle having at least three axles and a wheelbase not less than sixteen feet and for a vehicle with a trailer not exceeding forty-eight feet. The maximum gross weight of such a vehicle shall not exceed forty-two thousand five hundred pounds plus one thousand two hundred fifty pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle, or one hundred two thousand pounds, whichever is more restrictive provided, however, that any four axle group weight shall not exceed sixty-two thousand pounds, any tridem axle group weight shall not exceed fifty-seven thousand pounds, any tandem axle weight does not exceed forty-seven thousand pounds and any single axle weight shall not exceed twenty-five thousand pounds.

Any additional special authorizations contained in a currently valid annual permit shall cease upon the expiration of such current annual permit.

(ii) A permit may be issued subject to bridge restrictions for a vehicle or a combination of vehicles having at least six axles and a wheel base of at least thirty-six and one-half feet. The maximum gross weight of such vehicle or combination of vehicles shall not exceed one hundred seven thousand pounds and any tridem axle group weight shall not exceed fifty-eight thousand pounds and any tandem axle group weight shall not exceed forty-eight thousand pounds.

(ii-a) A permit may be issued subject to bridge restrictions for a combination of vehicles having at least seven axles and a wheelbase of at least forty-three feet. The maximum gross weight of such combination of vehicles shall not exceed one hundred seventeen thousand pounds, any four axle group weight shall not exceed sixty-three thousand pounds, any tridem axle group weight shall not exceed fifty-eight thousand pounds, any tandem axle group weight shall not exceed forty-eight thousand pounds, and any single axle weight shall not exceed twenty-five thousand pounds.

Each axle of such combination of vehicles, other than steerable or trackable axles, shall be equipped with two tires on each side of the axle, any air pressure controls for lift axles shall be located outside the cab of the combination of vehicles and shall be beyond the reach of occupants of the cab while the combination of vehicles is in motion, the weight on any grouping of two or more axles shall be distributed such that no axle in the grouping carries less than eighty percent of any other axle in the grouping, and any liftable axle of such combination of vehicles shall be steerable or trackable.

(iii) A permit may be issued for a vehicle having two axles and a wheelbase not less than ten feet, with the maximum gross weight not in excess of one hundred twenty-five percent of the total weight limitation as set forth in subdivision ten of this section. Furthermore, until December thirty-first, nineteen hundred ninety-four, any single rear axle weight shall not exceed twenty-eight thousand pounds. After December thirty-first, nineteen hundred ninety-four, any axle weight

shall not exceed twenty-seven thousand pounds.

(iv) Within a city not wholly included within one county and the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess, a permit may be issued for a vehicle having at least three axles and a wheelbase not exceeding forty-four feet nor less than seventeen feet or for a vehicle with a trailer not exceeding forty feet.

Until December thirty-first, nineteen hundred ninety-four, a permit may only be issued for such a vehicle having a maximum gross weight not exceeding eighty-two thousand pounds and any tandem axle group weight shall not exceed sixty-two thousand pounds.

After January first, nineteen hundred ninety-five, the operation of such a vehicle shall be further limited and a permit may only be issued for such a vehicle having a maximum gross weight not exceeding seventy-nine thousand pounds and any tandem axle group weight shall not exceed fifty-nine thousand pounds, and any tridem shall not exceed sixty-four thousand pounds.

A permit may be issued only until December thirty-first, nineteen hundred ninety-four for a vehicle having at least three axles and a wheelbase between fifteen and seventeen feet. The maximum gross weight of such a vehicle shall not exceed seventy-three thousand two hundred eighty pounds and any tandem axle group weight shall not exceed fifty-four thousand pounds.

No vehicle having a model year of two thousand six or newer shall be issued a permit pursuant to this subparagraph for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess unless it is equipped with at least four axles, and further provided, after December thirty-first, two thousand fourteen, no permit shall be issued pursuant to this subparagraph for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess to a vehicle of any model year unless the vehicle is equipped with at least four axles.

(v) Within a city not wholly included within one county and the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange or

Dutchess, a permit may be issued only until December thirty-first, nineteen hundred ninety-nine for a vehicle or combination of vehicles that has been permitted within the past four years having five axles and a wheelbase of at least thirty-six and one-half feet. The maximum gross weight of such a vehicle or combination of vehicles shall not exceed one hundred five thousand pounds and any tandem axle group weight shall not exceed fifty-one thousand pounds.

Within a city not wholly included within one county and the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess, a permit may be issued for a vehicle or combination of vehicles having at least five axles and a wheelbase of at least thirty feet. The maximum gross weight of such vehicle or combination of vehicles shall not exceed ninety-three thousand pounds and any tridem axle group weight shall not exceed fifty-seven thousand pounds and any tandem axle group weight shall not exceed forty-five thousand pounds.

(vi) Within a city not wholly included within one county and the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess, a permit may be issued for a vehicle or combination of vehicles having at least five axles or more and a wheelbase of at least thirty-six and one-half feet, provided such permit contains routing restrictions.

Until December thirty-first, nineteen hundred ninety-four, the maximum gross weight of a vehicle or combination of vehicles permitted under this subparagraph shall not exceed one hundred twenty thousand pounds and any tandem or tridem axle group weight shall not exceed sixty-nine thousand pounds, provided, however, that any replacement vehicle or combination of vehicles permitted after the effective date of this subparagraph shall have at least six axles, any tandem axle group shall not exceed fifty thousand pounds and any tridem axle group shall not exceed sixty-nine thousand pounds.

After December thirty-first, nineteen hundred ninety-four, the tridem axle group weight of any vehicle or combination of vehicles issued a permit under this subparagraph shall not exceed sixty-seven thousand pounds, any tandem axle group weight shall not exceed fifty thousand

pounds and any single axle weight shall not exceed twenty-five thousand seven hundred fifty pounds.

After December thirty-first, nineteen hundred ninety-nine, all vehicles issued a permit under this subparagraph must have at least six axles.

After December thirty-first, two thousand fourteen, all combinations of vehicles issued a permit under this subparagraph for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess must have at least seven axles and a wheelbase of at least forty-three feet.

After December thirty-first, two thousand six, no permits shall be issued under this subparagraph for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess for a vehicle or combination of vehicles having less than seven axles or having a wheelbase of less than forty-three feet, provided, however, that permits may be issued for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess for vehicles or combinations of vehicles where the permit applicant demonstrates that the applicant acquired the vehicle or combination of vehicles prior to December thirty-first, two thousand six, and that if the vehicle or combination of vehicles was acquired by the applicant after the effective date of this provision, such vehicle or combination of vehicles is less than fifteen years old. In instances where the application is for a combination of vehicles, the applicant shall demonstrate that the power unit of such combination satisfies the conditions of this subparagraph. In no event shall a permit be issued under this subparagraph for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess for a vehicle or combination of vehicles having less than seven axles or having a wheelbase of less than forty-three feet after December thirty-first, two thousand fourteen.

Except as otherwise provided by this subparagraph for the period ending December thirty-first, two thousand fourteen, after December

thirty-first, two thousand three, any combination of vehicles issued a permit under this subparagraph for use within the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess shall not exceed one hundred twenty thousand pounds, shall have at least seven axles, shall have a wheelbase of at least forty-three feet, and single axle weight shall not exceed twenty-five thousand seven hundred fifty pounds, any tandem axle group weight shall not exceed forty-eight thousand pounds, any tridem axle group weight shall not exceed sixty-three thousand pounds and any four axle group shall not exceed sixty-five thousand pounds.

From the date of enactment of this paragraph, permit applications under subparagraphs (i), (ii), (ii-a), (iii), (iv), (v) and (vi) of this paragraph for vehicles registered in this state may be honored by the commissioner of transportation or other appropriate authority. The commissioner of transportation and other appropriate authorities may confer and develop a system through rules and regulations to assure compliance herewith.

(g) A sani-van vehicle, as defined in section one hundred forty-one-a of this chapter for which a permit has been issued pursuant to this subdivision is authorized to operate or move on all public highways or bridges within this state in accordance with any weight limitations specified in such permit.

(h) In any action brought for damage or destruction of any highway or bridge including an action pursuant to section three hundred twenty of the highway law, there shall be a presumption that the operation of a vehicle or combination of vehicles in excess of the maximum weight limits established by this section or, in a city not wholly included within one county, in excess of the maximum weight limits prescribed by the rules and regulations of the city department of transportation of such city, is the proximate cause of such damage or destruction to the highway bridge or appurtenant structure, whether or not a permit to exceed such weight limits was issued by the appropriate authority.

(i) All moneys collected by the commissioner of transportation pursuant to this subdivision shall be deposited by the comptroller into the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section

eighty-nine-b of the state finance law.

(j) The commissioner of transportation is authorized to conduct hearings with regard to the issuance or revocation of any permit issued by the commissioner of transportation pursuant to this section and relating to the violation of any condition applicable to such permit as provided in subdivision three of section one hundred forty-five of the transportation law. If a permit issued by the department of transportation is seized and the holder of the permit makes a written request to the department of transportation for a hearing, the commissioner of transportation shall schedule a hearing within twenty days of the receipt of such request.

(k) Any permit issued pursuant to this section that is seized shall be forwarded to the issuing authority as soon as practicable.

15-a. In furtherance of the authority to issue permits pursuant to subdivision fifteen of this section, the department of transportation and the New York state thruway authority are authorized to enter into a cooperative agreement relative to permits to operate or move vehicles or combinations of vehicles the weights or the dimensions of which exceed the limitations otherwise provided for in this section along the thruway system and state highway system, routes 5 and 49 between the relocated thruway interchanges, including the Edic road interchange, and River road in the vicinity of Edic road in the vicinity of the city of Utica. Permits issued hereunder may be of a joint or reciprocal type for operations or movements on such highway systems and shall not be limited to loads proposed as one piece or item or otherwise cannot be separated into units of less weight.

16. The provisions of this section relating to the maximum dimension and weight limitations of vehicles shall not be applicable to any vehicle or combination of vehicles proceeding to or from the New York state thruway while being operated at the following locations, provided, however, that the maximum dimensions and weight limitations of such a vehicle or combination of vehicles are in compliance with those applicable to the New York state thruway;

(a) Within a radius of fifteen hundred feet of any New York state thruway toll booth at Fultonville, New York;

(b) Within a radius of two thousand feet of any exit or entrance designated B-3 to the New York state thruway, Berkshire section, at New York state route twenty-two;

(c) Over a route extending north and south on New York state route 332 between New York state thruway exit no. 44 and its intersection with Collett road, and east and west on Collett road between said intersection and no. 6070 Collett road, a distance of approximately .8 miles.

(d) Within a radius of 1.2 miles from New York state thruway toll booth no. 56 on access road to be built between such toll booth no. 56 and the present eastern terminus of route 179 at South Park avenue, over route 179 and old Mile Strip road to the truck terminal entrance on old Mile Strip road at a point approximately two thousand four hundred thirty feet southeast of the intersection of old Mile Strip road and Route 5 as measured along old Mile Strip road, or across Lake Avenue at the northern end of the truck terminal;

(e) Within a distance of 1.5 miles measured along that portion of the River Road, New York state touring route 266, also known as state highway 129, lying generally northerly of the South Grand Island Bridges, such distance to be measured from the point where the southernmost access road to New York state thruway station no. 17 intersects with said River Road;

(f) Within a distance of two miles measured along New York state route 400, such distance to be measured from the point where said route 400 intersects with the New York state thruway, and .5 miles measured along New York state route 277, such distance to be measured in a northerly direction from the point where New York state route 277 intersects with New York state route 400;

(g) Within a distance of .8 miles measured along Walden Avenue in the Town of Cheektowaga, such distance to be measured in a westerly direction from the point where said Walden Avenue intersects with the New York state thruway, .5 miles measured along said Walden Avenue, such distance to be measured in an easterly direction from the point where said Walden Avenue intersects with the New York state thruway, 1,640 feet measured along a roadway purchased by the Town of Cheektowaga from Sorrento Cheese, Inc., such distance to be measured in a southerly direction from the point where said roadway intersects with Walden

Avenue, and .9 miles measured along New York state route 240, such distance to be measured in a southerly direction from the point where New York state route 240 intersects with said Walden Avenue;

(h) Within a distance of .1 miles measured along Sheridan Drive, New York state route 324, such distance to be measured in an easterly direction from the point where said Sheridan Drive intersects with New York state thruway interchange N-15, and .4 miles measured along Kenmore Avenue, such distance to be measured in a southerly direction from the point where Sheridan Drive intersects with said Kenmore Avenue;

(i) Within a distance of .8 miles measured along Dingens street in the city of Buffalo such distance to be measured in a westerly direction from the Ogden street exit of the Niagara section of the New York state thruway;

(j) Within a distance of .25 miles along South street in the city of Buffalo between Hamburg street and Louisiana street;

(k) Within a distance of .7 miles measured along Louisiana street in the city of Buffalo such distance to be measured in a southerly direction from the Louisiana street entrance of the Niagara section of the New York state thruway; and

(l) Within a distance of 1700 feet measured along that portion of the River Road, New York state touring route 266, also known as state highway 129, lying generally southerly of the South Grand Island Bridges, such distance to be measured from the point where the southern most access road to New York state thruway station no. 17 intersects with said River Road; and

(m) Within a distance of 0.6 miles extending north along New York state route 233 from a point where such route 233 intersects with the exit or entrance designated number thirty-two of the New York state thruway at Westmoreland in Oneida county.

(n) Within a route from the thruway toll booth at the New York state thruway exit 21-B and along the access road to route 9-W, and thence 1500 feet along route 9-W to be measured in a northerly direction from the point where such thruway access road intersects route 9-W.

(o) (i) Within a distance of 0.8 miles from exit B-1 of the New York state thruway Berkshire Spur, such distance to be measured in a northerly direction from the point where state route 9 intersects the southern most access ramp leading to the New York state thruway.

(ii) Within a distance of 1.6 miles from the exit B-1 of the New York state thruway Berkshire Spur, with such distance being measured in a northerly direction from the point where state route 9 intersects the southern most access ramp leading to the New York state thruway, upon a determination by the commissioner of transportation that the vehicle or combination of vehicles could operate safely upon such route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(p) Within a distance of .45 miles measured along James E. Casey Drive in the city of Buffalo such distance to be measured in a northerly direction from Dingens street.

(q) Within approximately one mile of the thruway toll booth at the New York state thruway exit 23 in a northerly direction along interstate route 787 to the first "Port of Albany" exit, and right on Church street south approximately one-half mile to the south end of the Mobil terminal facility and return from Church street entering interstate route 787 in a southerly direction to interchange 23 of the New York state thruway.

(r) On any route designated by the commissioner of transportation within a radius of six thousand six hundred feet of any exit or entrance designated interchange 26 of the New York state thruway, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

* (s) Over a route extending east and west across New York state route 414 from the New York state thruway exit 41 to the terminus of the exit 41 on and off ramps for a distance of approximately 100 feet across route 414 and within approximately .1 miles of the on and off ramp of exit 41 of the New York state thruway. Nothing contained in this provision shall be construed to permit these vehicles or combination of vehicles to turn on to route 414 or to travel along route 414.

* NB There are 2 (s)'s

* (s) Within a distance of three hundred twenty-five feet, measured along Stew Leonard drive in the city of Yonkers, such distance to be measured in a west-east direction from the point where Stew Leonard drive intersects with the southbound off-ramp and the northbound on-ramp

of interchange 6A of the New York state thruway.

* NB There are 2 (s)'s

(t) Over a route extending south on New York state route 332 between New York state thruway exit number 44 and its intersection with Gateway drive and west on Gateway Drive to its intersection with Plastermill Road and east on Plastermill Road to its intersection with Loomis Road and east on Loomis road between said intersection and no. 5923 Loomis road, a distance of approximately 1.6 miles, and west on Loomis road between 5923 Loomis road and its intersection with New York state route 332 and thence north on New York state route 332 to New York state thruway exit number 44, a distance of approximately 1.1 miles, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(u) Over a route extending north and on New York state route 77 between New York state thruway exit number 48-a and the overpass of the New York state thruway, and south on New York state route 77, a distance of approximately .5 miles, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(v) Within a distance of approximately one mile from the New York state thruway interchange 24 traveling along interstate route 90 to interchange 2 Washington avenue, and to Washington avenue traveling westbound to Fuller road in a northerly direction to interstate route 90 traveling to interchange 24 of the New York state thruway, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(w) Within a distance of approximately 1.9 miles from the New York state thruway interchange 25A, traveling in a westbound direction along interstate route 88 to exit 25 to state route 7, and to a left on Becker

road traveling in a southbound direction on Becker road for approximately .2 miles to the New York state thruway interchange 25A tandem lot access road, or to the intersection of Becker road and state route 7, and traveling in an eastbound direction for approximately 1.4 miles on state route 7 to the intersection of state route 7 and Dunnsville road and then traveling in a southbound direction on Dunnsville road for approximately .3 miles where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(x) Within a distance of approximately 2.2 miles from the New York state thruway interchange 34A traveling in a southbound direction along interstate route 481 to interstate 481 exit 5E Kirkville road east along state route 53 Kirkville road in an eastbound direction to interstate route 481 traveling northbound to exit 6 to interchange 34A of the New York state thruway, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(y) Within a distance of approximately .8 miles from the New York state thruway interchange 35, traveling approximately 200 feet around Carrier circle to traveling northbound on Thompson road for approximately 1000 feet, or traveling southbound on Thompson road approximately 100 feet, to traveling westbound on Tarbell road for approximately .5 miles to reenter at the Dewitt service area of the New York state thruway where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(z) Within a distance of approximately one mile from the New York state thruway interchange 36 traveling in a southbound direction on interstate 81 to interstate 81 exit 25 7th North street, and traveling eastbound on 7th North street to interstate 81 traveling in a northbound direction to interchange 36 of the New York state thruway, where the

commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(aa) Within a distance of approximately .6 miles from the New York state thruway interchange 39 traveling eastbound on interstate 690 to interstate 690 exit 2 Jones road in a northbound direction to state route 690 north to interchange 39 of the New York state thruway, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(bb) Within a distance of approximately .5 miles from the New York state thruway interchange 45, traveling on interstate 490 to interstate 490 exit 29, in a southwesterly direction along New York state route 96 to the point where New York state route 96 intersects with the entrance ramp to the New York state thruway interchange 45, and for approximately ..2 miles along this entrance ramp to the New York state thruway interchange 45, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(cc) Within a distance of approximately .6 miles from the New York state thruway interchange 46, traveling in a northeasterly direction on the ramp from the New York state thruway interchange 46 to interstate 390 north exit to New York state route 253, Lehigh Station road, for a distance of approximately .5 miles along the ramp from interstate 390 north exit to New York state route 253, Lehigh Station road, for a distance of approximately .6 miles in a westerly direction along New York state route 253, Lehigh Station road, to the intersection of New York state route 253 with New York state route 15, then for a distance of approximately .6 miles in a southerly direction along New York state route 15, to the New York state thruway interchange 46 maintenance facility entrance, where the commissioner of transportation determines

that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(dd) Within a distance of approximately .3 miles from the New York state thruway interchange 47, traveling on interstate 490 to interstate 490 exit 1, to a distance of approximately .2 miles along the ramp from interstate 490 exit 1, for a distance of approximately .4 miles in a southwesterly direction to the entrance ramp of the New York state thruway interchange 47, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(ee) Within a distance of approximately .6 miles from the New York state thruway interchange 19, traveling in a westbound direction along route 28 to route 209, and traveling in a southbound direction on route 209 for approximately .1 miles to route 28, and traveling in an eastbound direction on route 28 for approximately .8 miles to the New York state thruway interchange 19 where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(ff) Within a distance of approximately .5 miles from the New York state thruway interchange 31, traveling onto the ramp to Genesee street south for approximately 2800 feet to Genesee street north for approximately 275 feet to interchange 31 of the New York state thruway where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(gg) Within a distance of approximately .2 miles from the New York state thruway interchange 33 traveling westbound on state route 365 for approximately 900 feet to interchange 33 of the New York state thruway where the commissioner of transportation determines that the vehicle or

combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(hh) Within a distance of approximately .15 miles from the New York state thruway interchange 42 traveling on state route 14 for approximately 750 feet for travel to and from the thruway tandem lot and interchange 42 where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(ii) Within a distance of approximately .1 miles from the New York state interchange 43 traveling on state route 21 for approximately 600 feet for travel to and from the thruway tandem lot and interchange 43 where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

17-a. Except over any highway which is a part of a state interstate route:

(i) The following weight limits shall apply to any state or municipally owned single vehicle, equipped with pneumatic tires, engaged in snow and ice control operations on public highways, including the stockpiling of materials and abrasives therefor, with a plow, leveling wing, or material hopper installed:

(a) The total weight on any one wheel, shall not be more than sixteen thousand pounds.

(b) The total weight on a single axle, shall not be more than thirty-two thousand pounds.

(c) The total weight on two consecutive axles, when such axles are spaced less than ten feet from center to center, shall not be more than forty-two thousand pounds.

(d) The total weight on all axles of a two axle vehicle shall not be more than fifty-two thousand pounds; the total weight on all axles of a

three axle vehicle shall not be more than sixty-two thousand pounds.

(ii) The overall width of any state or municipally owned single vehicle, equipped with pneumatic tires, engaged in snow and ice control operations on public highways, shall not be more than twenty-five feet.

(iii) The following weight limits shall apply to any state or municipally owned single vehicle, equipped with pneumatic tires, designed or fitted for snow and ice control operations, while engaged in other public works operations on public highways:

(a) The total weight on any one wheel, shall not be more than sixteen thousand pounds.

(b) The total weight on a single axle, shall not be more than thirty-two thousand pounds.

(c) The total weight on two consecutive axles, when such axles are spaced less than ten feet from center to center, shall not be more than thirty-eight thousand pounds.

(d) The total weight on all axles of a two axle vehicle shall not be more than fifty-two thousand pounds; the total weight on all axles of a three axle vehicle shall not be more than fifty-eight thousand pounds.

17-b. Except over any highway which is a part of a state interstate route, the following weight limits shall apply to any fire vehicle equipped with pneumatic tires.

(a) The total weight on any one wheel shall not be more than sixteen thousand pounds.

(b) The total weight on a single axle shall not be more than thirty-two thousand pounds.

(c) The total weight on two consecutive axles, when such axles are spaced less than ten feet from center to center, shall not be more than forty-two thousand pounds.

(d) The total weight on all axles of a two axle vehicle shall not be more than fifty-two thousand pounds.

18. Except as provided in subdivisions eighteen-a or nineteen of this section, the violation of the provisions of this section including a violation related to the operation, within a city not wholly included within one county, of a vehicle which exceeds the limitations provided for in the rules and regulations of the city department of

transportation of such city, shall be punishable by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment, for the first offense; by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, for the second or subsequent offense; provided that a sentence or execution thereof for any violation under this subdivision may not be suspended. For any violation of the provisions of this section, including a violation related to the operation, within a city not wholly included within one county, of a vehicle which exceeds the limitations provided for in the rules and regulations of the city department of transportation of such city, the registration of the vehicle may be suspended for a period not to exceed one year whether at the time of the violation the vehicle was in charge of the owner or his agent. The provisions of section five hundred ten of this chapter shall apply to such suspension except as otherwise provided herein.

18-a. A violation of the provisions of subdivisions two or fourteen of this section, where the violation relates to the height of the vehicle, including a violation related to the operation, within a city not wholly included within one county, of a vehicle which exceeds the limitations provided for in the rules and regulations of the city department of transportation of such city, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment, for the first offense; by a fine of not more than two thousand dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, for the second or subsequent offense; provided that a sentence or execution thereof for any violation under this subdivision may not be suspended. For any violation of the provisions of subdivisions two or fourteen of this section where the violation relates to the height of the vehicle, including a violation related to the operation, within a city not wholly included within one county, of a vehicle which exceeds the limitations provided for in the rules and regulations of the city department of transportation of such city, the registration of the vehicle may be suspended for a period not to exceed one year whether at the time of the

violation the vehicle was in charge of the owner or his agent. The provisions of section five hundred ten of this chapter shall apply to such suspension except as otherwise provided herein.

19. (a) A violation of the provisions of subdivision eight, nine, or ten of this section by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or a violation of such rules and regulations, by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section or such rules and regulations, or a violation of the weight limitations specified by permit issued pursuant to subdivision fifteen of this section shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner or the owner's agent or lessee in accordance with the following schedule:

Percent of excess weight (percentage)		Amount of fine (dollars)
greater than	less than or equal to	
0	2.0	150
2.0	4.0	300
4.0	6.0	450
6.0	7.0	525
7.0	8.0	600
8.0	10.0	750
10.0	12.0	950
12.0	14.0	1,150
14.0	16.0	1,350
16.0	18.0	1,550
18.0	20.0	1,750
20.0	22.0	1,950
22.0	24.0	2,150
24.0	26.0	2,350
26.0	28.0	2,550
28.0	30.0	2,750
30.0	32.0	2,950

32.0	34.0	3,150
34.0	36.0	3,350
36.0	38.0	3,550
38.0	40.0	3,750
40.0 or greater		3,750 plus $125 for each percent over 40 percent

(NOTE: Where the total weight, axle weight or axle grouping weight is greater than seven percent including any applicable enforcement scale tolerance in excess of the limits specified by a permit in areas outside a city not wholly contained in one county, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.

(b) For violations to which the penalties set forth in paragraph (a) of this subdivision apply, in connection with the weighing of a vehicle or combination of vehicles, if it is found that there is a violation of subdivision ten of this section and also of subdivision eight or nine of this section, or both subdivisions eight and nine of this section, there shall be a single fine imposed and the maximum amount of such fine shall not exceed the highest fine that could be imposed under this subdivision.

(c) Notwithstanding paragraphs (a) and (b) of this subdivision, a violation of the provisions of subdivision ten of this section in a city not wholly included within one county or of the provisions of the rules or regulations of the city department of transportation setting forth the maximum allowable gross weight for the operation of a vehicle in such city without a permit for such vehicle, by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or such rules and regulations, or the weight limitations specified by permit issued pursuant to subdivision fifteen of this section (excluding enforcement scale tolerance not to exceed five percent) shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner or his agent or

lessee in accordance with the following schedule:

EXCESS TOTAL WEIGHT (pounds) GREATER THAN	LESS THAN OR EQUAL TO	Amount of Fine (DOLLARS)
0	2,000	50
2,000	3,000	75
3,000	4,000	100
4,000	5,000	200
5,000	6,000	300
6,000	7,000	400
7,000	8,000	500
8,000	9,000	600
9,000	10,000	700
10,000	15,000	1,200
15,000	20,000	1,700
20,000	25,000	2,200
25,000	30,000	2,700
30,000	35,000	3,200
35,000	40,000	3,700
40,000	45,000	4,200
45,000	50,000 or greater	4,700

(NOTE: Where the excess total weight is greater than the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.)

(d) Notwithstanding paragraphs (a) and (b) of this subdivision, a violation of the provisions of subdivisions eight and nine of this section in a city not wholly included within one county or of the provisions of the rules or regulations of the city department of transportation setting forth the maximum allowable axle or tandem axle weight for the operation of a vehicle in such city without a permit for such vehicle, by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or such rules or regulations, or the weight limitations specified by permit issued pursuant to subdivision fifteen of this section shall be punishable by fines levied on the registered owner of the vehicle or

vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner, or his agent, or lessee, in accordance with the following schedule:

Percentage of excess weight

(PERCENTAGE) GREATER THAN	LESS THAN OR EQUAL TO	AMOUNT OF FINE (DOLLARS)
0	5.0	100
5.0	10.0	200
10.0	15.0	350
15.0	20.0	600
20.0	25.0	1000
25.0	30.0	1600
30.0	35.0	2450
35.0	40.0	3600
40.0	45.0	5100
45.0		7000

(NOTE: Where the excess axle or axles weight is greater than the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.)

(e) In addition to the fines imposed by paragraphs (a), (c) and (d) of this subdivision, the registration of the vehicle may be suspended for a period not to exceed one year, whether at the time of the violation of this section the vehicle was in charge of the owner or the owner's agent, or lessee. The provisions of section five hundred ten of this chapter shall apply to such suspension, except as otherwise provided herein.

(f) If the vehicle is the subject of a permit issued pursuant to paragraph (f) of subdivision fifteen of this section and if the registered owner of a vehicle fails to appear on the return date or subsequent adjourned date of a summons, appearance ticket or notice of violation issued pursuant to this subdivision or fails to pay a fine imposed pursuant to this subdivision, the registration of the vehicle or the privilege of operating the vehicle in this state shall be suspended for a period not to exceed one year. The suspension shall remain in effect until the registered owner's appearance or payment of the fine.

The commissioner or the commissioner's agent may deny a registration application of any other person for the same vehicle where the commissioner has reasonable grounds to believe that such registration will have the effect of defeating the purpose of this paragraph.

20. Notwithstanding the provisions of sections three hundred eighty-five, sixteen hundred thirty, sixteen hundred thirty-one, sixteen hundred forty, sixteen hundred forty-two, sixteen hundred fifty and sixteen hundred sixty of this chapter, nor of any other law, statute, ordinance, rule or regulation, the state, a city, county, town, village, public authority, including the port of New York and New Jersey authority, or commission, or any department, agency, subdivision or other entity thereof, shall not enact nor enforce any law, statute, ordinance, rule or regulation with respect to vehicle dimensions or weights which shall violate any of the provisions of the federal surface transportation assistance act of nineteen hundred eighty-two. Any such law, statute, ordinance, rule or regulation which results in a notification of an imminent loss or withholding of federal highway aid to the state shall to the degree inconsistent hereafter be deemed null and void and shall not be enforced.

20-a. If a vehicle or combination of vehicles is operated in violation of this section, an appearance ticket or summons may be issued to the registrant of the vehicle, or if a combination of vehicles, to the registrant of the hauling vehicle rather than the operator. In the event the vehicle is operated by a person other than the registrant, any appearance ticket or summons issued to the registrant shall be served upon the operator, who shall be deemed the agent of the registrant for the purpose of receiving such appearance ticket or summons. Such operator-agent shall transmit such ticket or summons to the registrant of the vehicle or the hauling vehicle. If the registrant does not appear on the return date, a notice establishing a new return date and either containing all pertinent information relating to the charge which is contained on the summons or appearance ticket or accompanied by a copy of the information or complaint shall also be mailed by certified or registered mail by or on behalf of the court or administrative tribunal before whom the appearance ticket or summons is returnable to the

registrant at the address given on the registration certificate for the vehicle, or if no registration certificate is produced at the time the appearance ticket or summons is issued, to the address of the registrant on file with the department or given to the person issuing the appearance ticket or summons. Whenever proceedings in a court or administrative tribunal of this state result in a conviction for a violation of this section, and the court or administrative tribunal has made the mailing specified herein, the court or administrative tribunal shall levy a mandatory surcharge, in addition to any sentence or other surcharge required or permitted by law, in the amount of thirty dollars. This mandatory surcharge shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the mandatory surcharge by a town or village court, the court shall pay such money to the state comptroller who shall, pursuant to subdivision two of section ninety-nine-a of the state finance law, credit such money to the account of the town or village which sent the mandatory surcharge. If such collecting authority is any other court of the unified system or administrative tribunal it shall, within such period, pay such money to the state comptroller who shall deposit such money into the state treasury. The provisions of this subdivision shall not apply to owner-operators of any motor vehicle or to any motor vehicle or trailer which is registered in the name of a person whose principal business is the lease or rental of motor vehicles or trailers unless the motor vehicle or trailer is being operated by an employee of the registrant or for a community of interest other than the lease or rental agreement between the parties to the lease or rental agreement.

21. The court may impose any sentence authorized by this chapter provided, however, any such sentence must include a fine as provided in this section.

22. In any case wherein the charge laid before the court alleges a violation of this section, any plea of guilty thereafter entered in satisfaction of such charge must include at least a plea of guilty to a violation of one of the subdivisions of this section. No other disposition by plea of guilty to any other charge in satisfaction of

such charge shall be authorized. Provided, however, if the district attorney upon reviewing the available evidence determines that the charge of a violation of this section is not warranted, or suspension of registration is not, under the circumstances, appropriate he may consent, and the court may allow, a disposition by plea of guilty to that or another charge in satisfaction of such charge and, may waive suspension of registration as required by this section, provided, however, the court must impose at least the minimum fine as authorized in this section for the offense of conviction.

23. Except on highways designated as part of the interstate system, the provisions of subdivisions six, seven, eight, nine, ten, eleven and twelve of this section shall not apply to any fire vehicle, as such term is defined in section one hundred fifteen-a of this chapter.

24. The provisions of subdivisions six, seven, eight, nine, ten, eleven and twelve of this section shall not apply to any tow truck that is transporting a disabled vehicle from the place where such vehicle became disabled to the nearest appropriate repair facility and has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.