§ 501-a. Definitions. The following terms when used in this article and in articles twenty and thirty-one of this chapter, shall have the following meanings:

1. Commercial driver's license or CDL. A class A or B driver's license or a class C driver's license which bears an H, P or X endorsement, which licenses contain the legend commercial driving license or CDL thereon and which is issued in accordance with the commercial motor vehicle safety act of 1986, public law 99-570, title XII, and this article which authorizes a person to operate a commercial motor vehicle and an altered motor vehicle commonly referred to as a "stretch limousine" having a seating capacity of nine or more passengers including the driver.

2. Gross vehicle weight rating or GVWR. The weight of a vehicle consisting of the unladen weight and the maximum carrying capacity recommended by the manufacturer of such vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or GCWR) is the GVWR of the power unit plus the GVWR of each vehicle in the combination.

3. Hazardous materials. Any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.

4. Commercial motor vehicle. (a) A motor vehicle or combination of vehicles designed or used to transport passengers or property:

(i) which has a GVWR of more than twenty-six thousand pounds; or

(ii) which has a GCWR of more than twenty-six thousand pounds, including any towed unit with a GVWR of more than ten thousand pounds; or

(iii) designed or used to transport fifteen or more passengers, in addition to the driver; or

(iv) defined as a bus in subdivision one of section five hundred nine-a of this chapter; or

(v) of any size, other than a farm vehicle operated within one hundred

fifty miles of the operator's farm, used in the transportation of materials found by the United States secretary of transportation to be hazardous under the hazardous materials transportation act and which requires the motor vehicle transporting such materials to be placarded under the hazardous materials regulation, 49 CFR part 172, subpart F or is transporting any quantity of a material listed as a select agent or toxin in 42 CFR part 73.

(b) However, a commercial motor vehicle shall not include: (i) a personal use vehicle or a covered farm vehicle or a combination of such vehicles; (ii) any motor vehicle or combination of motor vehicles operated by a member of the armed forces for military purposes; (iii) a police vehicle or fire vehicle, or combination of such vehicles during its use in an emergency operation as defined in section one hundred fourteen-b of this chapter, or in the performance of official duties, or activities related to the execution of emergency governmental functions pursuant to section 383.3 (d)(2) of title 49 of the code of federal regulations; (iv) a vehicle or combination of vehicles owned and identified as being owned by the state or a political subdivision thereof or an ambulance service as defined in subdivision two of section three thousand one of the public health law or a voluntary ambulance service as defined in subdivision three of such section and used to provide emergency medical service as defined in section three thousand one of the public health law, or to perform official duties, or activities related to the execution of emergency governmental functions pursuant to section 383.3 (d)(2) of title 49 of the code of federal regulations; or (v) a vehicle or combination of vehicles which is designed and primarily used for purposes other than the transportation of persons or property and which is operated on a public highway only occasionally for the purpose of being transported to a construction or off-highway site at which its primary purpose is to be performed except as may otherwise be specifically provided by regulation of the commissioner. For the purposes of this paragraph, the term "member of the armed forces" shall include active duty military personnel; members of the reserve components of the armed forces; members of the national guard on active duty, including personnel on full time active guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military

uniforms); and active duty United States coast guard personnel. The term shall not include United States reserve technicians. Notwithstanding the provisions of section one hundred fourteen-b of this chapter, for the purposes of this paragraph, the term "emergency operation" shall include returning from emergency service.

5. Representative vehicle. The type of motor vehicle or combination of vehicles specified by regulation of the commissioner that an applicant for a driver's license must operate during a road test in order to receive a specific class of license or endorsement.

6. Tank vehicle. Any commercial motor vehicle designed to transport any liquid or gaseous material within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Such term shall not include a commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer.

7. Personal use vehicle. A vehicle constructed or altered to be used for recreational purposes which is exclusively used to transport family members and/or personal possessions of such family members for non-business recreational purposes by the operator, or a rental truck which is exclusively used to transport personal possessions of the person who has rented the truck for non-business purposes.

8. Covered farm vehicle. (a) A vehicle or combination of vehicles registered in this state, which (i) displays a covered farm vehicle designation issued by the commissioner, (ii) is operated by the owner or operator of a farm or ranch, or an employee or family member of an owner or operator of a farm or ranch, (iii) is used to transport agricultural commodities, livestock, machinery or supplies to or from a farm or ranch, (iv) is not used in for-hire motor carrier operations, exclusive of operation by a tenant pursuant to a crop share farm lease agreement to transport the landlord's portion of the crops under that agreement;

and (v) is not used for the transportation of hazardous materials.

(b) A covered farm vehicle with a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than twenty-six thousand pounds may only be operated within one hundred fifty air miles of the farm or ranch.

(c) The commissioner shall, by regulation, designate an endorsement or endorsements for the operation of covered farm vehicles with a gross vehicle weight or gross vehicle weight rating of more than twenty-six thousand pounds. Such endorsement or endorsements shall be required to operate such a covered farm vehicle or combination of covered farm vehicles. The identification and scope of such endorsement or endorsements shall, at a minimum, include a distinction between the operation of a covered farm vehicle having a gross vehicle weight or gross vehicle weight rating of more than twenty-six thousand pounds and the operation of a combination of covered farm vehicles having a gross vehicle weight or gross vehicle weight rating of more than twenty-six thousand pounds.

(d) For the purposes of this subdivision, the gross vehicle weight of a vehicle shall mean the actual weight of the vehicle and the load.