

Amend Senate 6258-A, Assembly A9058-A, A BUDGET BILL, AN ACT to authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS).....

Page	Line	Amendment
Page 2,	Unnumbered Line 55, (AN ACT CLAUSE)	After "(Part BB);" strike out "and"
Page 3,	Unnumbered Line 8, (AN ACT CLAUSE)	After "(Part CC)" insert ; and to amend the public authorities law and the real property law, in relation to the on-bill recovery mechanism for the "green jobs-green New York" program (Part DD)
Page 3,	Line 4,	After "through" strike out "CC" and insert "DD"
Page 15	Line 12	<p>After "law is" strike out "REPEALED." and insert "is amended to read as follows:</p> <p>§ 214. Exemptions. [a. The provisions of this article shall not apply in case of accident or act of God, nor when there is delay which was caused by the elements, or a cause not known to the driver or owner or to his or its officers in charge of such operations at the time that such driver left the place where he last went on duty prior to such delays.</p> <p>b. The requirement in this article that every driver of a motor truck or motor bus shall keep and carry on the vehicle records showing the day and hour when, and the place where he went or was released from duty, shall not apply to any driver who drives wholly within a radius of one hundred miles of the garage or terminal at which he reports for work, provided, however, that such records shall be kept at his place of employment.</p> <p>c. ]The provisions of this article shall not apply to the [operation of a motor truck or motor bus while being operated exclusively in a city and/or incorporated village, nor to the] operation of a motor truck <u>in intrastate commerce</u> owned by a farmer and operated by himself or an employee when used in the hauling of farm, dairy, or horticultural products and farm supplies for himself or his farm neighbors to market, creamery, or place of storage.[, nor to the operation of wrecking and towing cars, nor to the operation of federal military vehicles, by members of the army or air national guard, or by federally paid employees of the army or air national guard.</p> <p>d. The provisions of this article shall</p>

		<p>not apply nor shall hours of service accrue to incidental drivers engaged in the actual restoration or preservation of electric, water, telephone, gas or steam service during an emergency. For a corporation providing electric, water, telephone, gas or steam service to avail itself of the exemption provided by this subdivision such electric, water, telephone, gas or steam corporation shall have filed with the department a plan setting forth the procedures such corporation shall follow in emergencies to assure that no incidental driver shall drive if such driver has not had sufficient rest necessary to maintain his or her ability to safely drive. The exemption provided by this subdivision shall not apply to an incidental driver unless such incidental driver is engaged in the actual restoration or preservation of electric, water, telephone, gas or steam service during an emergency or such incidental driver shall have had a period of rest consisting of at least eight consecutive hours off duty immediately upon the conclusion of such incidental driver's engagement in the actual restoration or preservation of electric, water, telephone, gas or steam service during the emergency. If an emergency extends for more than twenty-four hours, the electric, water, telephone, gas or steam corporation availing itself of the terms of this subdivision shall notify the department, in writing, that an emergency exists and the expected duration of the emergency. For the purposes of this subdivision, the following terms shall have the following meanings:</p> <p>(1) "Emergency" is hereby declared to be any unplanned power outage, interruption of service or the imminent risk of such outage or interruption of service to electric, water, telephone, gas or steam service or to transmission or distribution lines, pipes or other related facilities or any circumstance under which the public safety is at risk;</p> <p>(2) "Incidental driver" means an employee, contractor or contractor's employee of an electric, water, telephone, gas or steam corporation whose primary employment by, or contractual agreement with, such corporation is not as a driver of a motor vehicle but who drives only as an incidental part of his or her employment or contractual agreement; and</p> <p>(3) "Interruption of service" shall mean a loss of service for a period of time defined in regulation by the department of public service for electric service (as set forth in paragraph (a) of section 97.1 of</p>
--	--	--

		title sixteen of the official compilation of codes, rules and regulations of the state of New York) and shall, for purposes of this section, apply to electric, water, telephone, natural gas and steam service.]”
Page 86,	Between lines 14 and 15,	Insert New Part DD (LBD #73047-02-2)
Page 86,	Line 25,	After “through” strike out “CC” and insert “DD”