S T A T E O F N E W Y O R K

935--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to establishing the school safety zone act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as the "school safety zone act".

S 2. The vehicle and traffic law is amended by adding a new section 142-a to read as follows:

S 142-A. SCHOOL SAFETY ZONE. THE AREA OR SPACE INCLUDED WITHIN A ONE-QUARTER MILE RADIUS OF A PRIMARY OR SECONDARY SCHOOL; EXCEPT THAT IN CITIES COMPRISING MORE THAN ONE COUNTY, SUCH RADIUS SHALL BE TWO HUNDRED YARDS.

S 3. The vehicle and traffic law is amended by adding two new sections 1229-e and 1229-f to read as follows:

S 1229-E. FINES DOUBLED WITHIN SCHOOL SAFETY ZONE. 1. THE OTHERWISE APPLICABLE FINE OR RANGE OF FINES FOR THE COMMISSION OF A MOVING TRAFFIC VIOLATION PROHIBITED UNDER ANY PROVISION OF THIS TITLE WITHIN A SCHOOL SAFETY ZONE, AS DEFINED IN SECTION ONE HUNDRED FORTY-TWO-A OF THIS CHAPTER, DURING POSTED SCHOOL HOURS SHALL BE DOUBLED.

2. THE (A) GOVERNING BODY OF THE CITY, TOWN, OR VILLAGE IN WHICH ANY SCHOOL SAFETY ZONE IS LOCATED IN EVERY COUNTY NOT WHOLLY CONTAINED WITHIN A CITY AND (B) LOCAL COMMUNITY BOARD OF ANY CITY COMPRISING MORE THAN ONE COUNTY SHALL OBTAIN FROM THE SCHOOL AUTHORITIES OF EVERY SCHOOL

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

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BUILDING IN A SCHOOL SAFETY ZONE WITHIN THEIR RESPECTIVE JURISDICTIONS THE SCHOOL HOURS OF EACH SUCH SCHOOL BUILDING. SUCH HOURS SHALL BE INCORPORATED INTO THE SIGNS POSTED AS REQUIRED BY LAW AND PRESCRIPTION OF THE COMMISSIONER OF TRANSPORTATION TO DESIGNATE SCHOOL SAFETY ZONES.

3. FOR ONE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, FIFTY PERCENT OF THE INCREASED FINE REVENUE GENERATED PURSUANT TO THIS SECTION SHALL BE RETAINED, DEDICATED OR REMITTED TO THE GOVERNING BODY OF EACH CITY, TOWN OR VILLAGE TO PAY FOR THE SIGNAGE REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION. SUCH FIFTY PERCENT SHALL BE TAKEN OUT OF THE INCREASED FINE REVENUE TO BE REMITTED TO THE STATE.

S 1229-F. SCHOOL SAFETY ZONES; ESTABLISHMENT OF MAXIMUM SCHOOL SPEED LIMITS. THE BODY OR OFFICER AUTHORIZED BY THIS TITLE TO ESTABLISH MAXIMUM SCHOOL SPEED LIMITS SHALL ESTABLISH SUCH MAXIMUM SCHOOL SPEED LIMITS WITHIN ALL SCHOOL SAFETY ZONES AND SHALL DO SO IN CONSULTATION WITH THE: (1) (A) GOVERNING BODY OF THE CITY, TOWN, OR VILLAGE IN WHICH SUCH SCHOOL SAFETY ZONE IS LOCATED IN EVERY COUNTY NOT WHOLLY CONTAINED WITHIN A CITY, UNLESS SUCH BODY OR OFFICER SO AUTHORIZED BE SUCH GOVERNING BODY, OR (B) LOCAL COMMUNITY BOARD OF ANY CITY COMPRISING MORE THAN ONE COUNTY; AND (2) THE POLICE DEPARTMENT, FORCE, OR AGENCY HAVING JURISDICTION OVER SUCH SCHOOL SAFETY ZONE, IN THE FOLLOWING ORDER OF PREFERENCE: (A) CITY, TOWN, OR VILLAGE POLICE, (B) COUNTY SHERIFF OR POLICE, AND (C) STATE POLICE; PROVIDED THAT IF ANY SCHOOL SAFETY ZONE IS SUBJECT TO THE JURISDICTION OF ANY BODY OR OFFICER AUTHORIZED TO ESTABLISH MAXIMUM SCHOOL SPEED LIMITS PURSUANT TO SECTION SIXTEEN HUNDRED THIRTY OF THIS CHAPTER AND SUCH BODY OR OFFICER HAS ITS OWN POLICE DEPARTMENT, FORCE, OR AGENCY, SUCH POLICE DEPARTMENT, FORCE, OR AGENCY SHALL BE FIRST IN ORDER OF PREFERENCE FOR CONSULTATION WITH RESPECT TO SCHOOL SAFETY ZONES SUBJECT TO THE JURISDICTION OF SUCH BODY OR OFFICER.

S 4. The commissioner of transportation, or his or her designee, shall prescribe the appropriate type of signage, which shall include the language, "school safety zone fines doubled during school hours", state the applicable school hours, and be conspicuously posted and maintained by the city, town, or village wherein the school safety zone is located.

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law; provided that any and all rules and regulations and any other measures necessary to implement any provision of this act on its effective date may be promulgated and taken, respectively, on or before the effective date of such provision.