

6728

I N S E N A T E

March 4, 2014

Introduced by Sens. RANZENHOFER, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to doubling fines for the use of mobile telephones or the use of portable electronic devices while in a work area or school zone

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

1 Section 1. Section 1225-c of the vehicle and traffic law is amended by
2 adding a new subdivision 5 to read as follows:
3 5. (A) A VIOLATION OF SUBDIVISION TWO OF THIS SECTION WHILE IN A WORK
4 AREA OR SCHOOL ZONE SHALL BE A TRAFFIC INFRACTION AND SHALL BE PUNISHA-
5 BLE BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN THREE
6 HUNDRED DOLLARS UPON CONVICTION OF A FIRST VIOLATION; UPON CONVICTION OF
7 A SECOND VIOLATION, BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF
8 EIGHTEEN MONTHS, WHILE IN A WORK AREA OR SCHOOL ZONE, SUCH VIOLATION
9 SHALL BE PUNISHED BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR
10 MORE THAN FOUR HUNDRED DOLLARS; UPON CONVICTION OF A THIRD OR SUBSEQUENT
11 VIOLATION, ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN
12 MONTHS, WHILE IN A WORK AREA OR SCHOOL ZONE, SUCH VIOLATION SHALL BE
13 PUNISHED BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN
14 EIGHT HUNDRED DOLLARS.
15 (B) FOR PURPOSES OF THIS SUBDIVISION:
16 I. "WORK AREA" SHALL MEAN THAT PART OF A HIGHWAY BEING USED OR OCCU-
17 PIED FOR THE CONDUCT OF HIGHWAY WORK, WITHIN WHICH WORKERS, VEHICLES,
18 EQUIPMENT, MATERIALS, SUPPLIES, EXCAVATIONS, OR OTHER OBSTRUCTIONS ARE
19 PRESENT.
20 II. "SCHOOL ZONE" SHALL MEAN THE DISTANCE ALONG A HIGHWAY PASSING A
21 SCHOOL BUILDING, ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY
22 FOR WHICH A SCHOOL SIGN (S1-1) HAS BEEN POSTED PURSUANT TO THIS CHAPTER
23 AND IN COMPLIANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
24 MAINTAINED PURSUANT TO SECTION SIXTEEN HUNDRED EIGHTY OF THIS CHAPTER.
25 S 2. Section 1225-d of the vehicle and traffic law is amended by
26 adding a new subdivision 7 to read as follows:

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

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1 7. (A) A VIOLATION OF THIS SECTION WHILE IN A WORK AREA OR SCHOOL ZONE
2 SHALL BE A TRAFFIC INFRACTION AND SHALL BE PUNISHABLE BY A FINE OF NOT
3 LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN THREE HUNDRED DOLLARS UPON
4 CONVICTION OF A FIRST VIOLATION; UPON CONVICTION OF A SECOND VIOLATION,
5 BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, WHILE
6 IN A WORK AREA OR SCHOOL ZONE, SUCH VIOLATION SHALL BE PUNISHED BY A
7 FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN FOUR HUNDRED
8 DOLLARS; UPON CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION, ALL OF
9 WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, WHILE IN A WORK
10 AREA OR SCHOOL ZONE, SUCH VIOLATION SHALL BE PUNISHED BY A FINE OF NOT
11 LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN EIGHT HUNDRED DOLLARS.

12 (B) FOR PURPOSES OF THIS SUBDIVISION:

13 I. "WORK AREA" SHALL MEAN THAT PART OF A HIGHWAY BEING USED OR OCCU-
14 PIED FOR THE CONDUCT OF HIGHWAY WORK, WITHIN WHICH WORKERS, VEHICLES,
15 EQUIPMENT, MATERIALS, SUPPLIES, EXCAVATIONS, OR OTHER OBSTRUCTIONS ARE
16 PRESENT.

17 II. "SCHOOL ZONE" SHALL MEAN THE DISTANCE ALONG A HIGHWAY PASSING A
18 SCHOOL BUILDING, ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY
19 FOR WHICH A SCHOOL SIGN (S1-1) HAS BEEN POSTED PURSUANT TO THIS CHAPTER
20 AND IN COMPLIANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
21 MAINTAINED PURSUANT TO SECTION SIXTEEN HUNDRED EIGHTY OF THIS CHAPTER.

22 S 3. This act shall take effect on the sixtieth day after it shall
23 have become a law.