

STATE OF NEW YORK

1632--A

Cal. No. 53

2019-2020 Regular Sessions

IN SENATE

January 15, 2019

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to prohibiting the use of any device which affects the operation of a traffic-control signal

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new section 154-a to read as follows:

§ 154-a. Traffic-control signal preemption device. Any device designed or used to change or attempt to change the signal indications of a traffic-control signal or traffic-control device. This shall include, but not be limited to, a mobile infrared transmitter or other device that is capable of sending a signal that interrupts or changes the sequence patterns of an official traffic-control device or traffic-control signal.

§ 2. The vehicle and traffic law is amended by adding a new section 397-c to read as follows:

§ 397-c. Unauthorized sale, purchase, or use of traffic-control signal preemption device.

1. No person shall buy, possess, manufacture, install, sell, offer for sale, or otherwise distribute a traffic-control signal preemption device, unless the purchase, possession, manufacture, installation, sale, offer for sale, or distribution is for use of the device by an authorized emergency vehicle or public transportation vehicle.

2. (a) Excluding an authorized emergency vehicle or authorized public transportation vehicle operating within the scope of his or her official duties, no person shall operate any motor vehicle which he or she knows

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

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1 is equipped with a traffic-control signal preemption device. The pres-
2 ence in a motor vehicle of a traffic-control signal preemption device
3 connected to a power source and in an operable condition is presumptive
4 evidence of the operator's knowledge of the device. Such presumption
5 shall be rebutted by any credible and reliable evidence which tends to
6 show that the operator of the motor vehicle was not aware of the pres-
7 ence of such device. The definition of an "authorized public transporta-
8 tion vehicle" shall include, but not be limited to, public transporta-
9 tion authorized under titles eleven, eleven-A, eleven-B, eleven-C, and
10 eleven-D of article five of the public authorities law or public trans-
11 portation authorized under chapter one hundred fifty-four of the laws of
12 of nineteen hundred twenty-one relating to the port authority of New
13 York and New Jersey.

14 (b) The provisions of this section shall not apply to any person using
15 such a device while engaged in the authorized maintenance or repair of a
16 traffic-control signal.

17 (c) Authorized emergency vehicle personnel shall only operate a traff-
18 ic-control signal preemption device in the course of an emergency opera-
19 tion.

20 3. (a) Unauthorized manufacture, installation, sale, offer for sale,
21 or distribution of a traffic-control signal preemption device in
22 violation of subdivision one of this section shall be a class A misde-
23 meanor, punishable by a fine of five thousand dollars for each device
24 manufactured, installed, sold, offered for sale, or distributed.

25 (b) Unauthorized purchase or possession of a traffic-control signal
26 preemption device in violation of subdivision one or two of this
27 section shall constitute a traffic infraction punishable by a fine of
28 not less than one hundred dollars nor more than three hundred dollars.

29 (c) A violation of paragraph (a) of subdivision two of this section
30 while using a traffic-control signal preemption device to change or
31 attempt to change the signal indications of a traffic-control signal or
32 traffic-control device shall constitute a class A misdemeanor.

33 (d) If a serious physical injury or death, as defined by article ten
34 of the penal law, occurs as a result of a violation of paragraph (a) of
35 subdivision two of this section while using a traffic-control signal
36 preemption device to affect the operation of a traffic-control signal or
37 traffic-control device, such violation shall constitute a class E felo-
38 ny.

39 (e) Nothing in this section shall be deemed to supersede the
40 provisions of any other applicable section of law.

41 § 3. Subdivision (b) of section 1115 of the vehicle and traffic law,
42 as amended by chapter 251 of the laws of 2016, is amended and a new
43 subdivision (d) is added to read as follows:

44 (b) For the purposes of this section the following terms shall have
45 the following meanings:

46 1. to "deface" shall include, but not be limited to, to damage,
47 destroy, disfigure, erase, ruin, distort, spoil or otherwise change the
48 external appearance of an object by the use of chalk, crayon, paint,
49 stain, ink or other similar material.

50 2. to "alter" a traffic-control signal shall include, but not be
51 limited to, changing or attempting to change the signal indications of a
52 traffic-control signal by use of a traffic-control signal preemption
53 device.

54 ~~[3. "traffic-control signal preemption device" shall mean any device~~
55 ~~designed or used to change or attempt to change the signal indications~~
56 ~~of a traffic-control signal.]~~

1 (d) A violation of this section shall be subject to penalties in
2 accordance with paragraphs (b), (c) and (d) of subdivision three of
3 section three hundred ninety-seven-c of this chapter.

4 § 4. This act shall take effect on the one hundred eightieth day after
5 it shall have become a law. Effective immediately, the addition, amend-
6 ment and/or repeal of any rule or regulation necessary for the implemen-
7 tation of this act on its effective date are authorized and directed to
8 be made and completed on or before such effective date.