

STATE OF NEW YORK

7111

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. HOYLMAN-SIGAL -- 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 limiting the frequency of traffic stops for minor violations in furtherance of racial equity and public safety; and to amend the criminal procedure law, in relation to the basis for a motion to suppress or exclude evidence

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1106 to read as follows;

3 § 1106. Restriction of traffic stops for limited reasons. (a) Where no
4 other reason for a motor vehicle stop exists, a law enforcement officer
5 may not initiate a stop for a violation of any of the following
6 provisions of this chapter:

7 (1) failure to display certificate of inspection pursuant to subdivi-
8 sion (b) of section three hundred six;

9 (2) failure to equip a motor vehicle with two working headlights or
10 taillights pursuant to subdivision two of section three hundred seven-
11 ty-five, except that an officer may stop a motor vehicle driven after
12 sunset if it does not have at least one functioning headlight and one
13 functioning taillight;

14 (3) failure to equip motor vehicle with white light illuminating
15 numerals of a number plate pursuant to subdivision two of section three
16 hundred seventy-five, where number on number plate is otherwise discern-
17 ible;

18 (4) driving with a tinted windshield or window pursuant to subdivision
19 twelve-a of section three hundred seventy-five;

20 (5) affixing objects to windows or hanging objects from rearview
21 mirror pursuant to subdivision thirty of section three hundred seventy-
22 five;

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

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1 (5) driving with a missing or broken brake light pursuant to subdivi-
2 sion forty of section three hundred seventy-five;

3 (6) failure to display certificate of registration or driving with an
4 expired registration pursuant to section four hundred one;

5 (7) failure to properly display license plates pursuant to subdivision
6 one of section four hundred two, where number on rear license plate is
7 discernible; or

8 (8) failure to signal when making a turn or switching lanes pursuant
9 to section eleven hundred sixty-three.

10 (b) A law enforcement officer who witnesses a violation of one of the
11 above provisions may mail a warning letter to the owner of the motor
12 vehicle at issue notifying them of the violation and date of its commis-
13 sion.

14 (c) Evidence obtained in violation of subdivision one of this section
15 above is inadmissible at any criminal proceeding pursuant to subdivision
16 eight of section 710.20 of the criminal procedure law.

17 (d) Evidence obtained pursuant to violations of other provisions of
18 this chapter is inadmissible at any criminal proceeding pursuant to
19 subdivision eight of section 710.20 of the criminal procedure law unless
20 the lawfulness of the encounter is corroborated by video recording or by
21 evidence other than law enforcement testimony.

22 § 2. Section 710.20 of the criminal procedure law is amended by adding
23 a new subdivision 8 to read as follows:

24 8. Consists of evidence obtained in violation of section eleven
25 hundred six of the vehicle and traffic law.

26 § 3. This act shall take effect on the first of January next succeed-
27 ing the date upon which it shall have become a law.