

STATE OF NEW YORK

3938--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. SMULLEN, BEEPHAN, MIKULIN, PALMESANO, DeSTEFANO, BLUMENCRANZ, TAGUE, DURSO, BLANKENBUSH, SEMPOLINSKI, HAWLEY, BRABENEC, MORINELLO, McDONALD, MANKTELOW, JENSEN, DiPIETRO, WALSH, E. BROWN, ANGELINO, GRAY, NOVAKHOV, MOLITOR, BUTTENSCHON, BARCLAY, BOLOGNA, SLATER, WILLIAMS, CRUZ, BAILEY, CHLUDZINSKI, K. BROWN, ZACCARO, GRIF-FIN, SIMPSON, WOERNER, RAMOS, McDONOUGH, CUNNINGHAM -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the highway law and the vehicle and traffic law, in relation to enacting "Alexander John Smullen Traffic Safety Memorial Law"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Alexander John Smullen Traffic Safety Memorial Law".

3 § 2. The highway law is amended by adding a new section 24 to read as
4 follows:

5 § 24. Memorial sign program for collision victims. 1. The commissioner
6 shall establish and administer a memorial sign program to publicly memo-
7 rialize the victims of fatal vehicle collisions.

8 2. As used in this section, "victim" means a person killed in a high-
9 way collision.

10 3. A sign designed and posted under this section shall include:

11 (a) the phrase "Please Don't Drink and Drive", "Please Don't Drive
12 Impaired", "Please Don't Text and Drive", "Please Don't Speed", "Please
13 Buckle Up", "Please Drive Sober", "Please Drive Safely", "Please Ride
14 Safely", "Please Watch for Bicyclists", "Please Watch for Motorcycles",
15 "Please Watch for Pedestrians", "Reckless Driving Costs Lives", "Seat
16 Belts Save Lives", "Slow Down for Workers", or "Stay Alert Drive Safe";

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

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1 (b) the phrase "In Memory Of" and the name of one or more victims in
2 accordance with the rules promulgated by the department; and

3 (c) the date of the collision that resulted in the victim's death.

4 4. The sign may include the names of more than one victim so long as
5 the total length of the names does not exceed one line of text.

6 5. A person may request that a sign be posted under this section by:

7 (a) making an application to the department on a form prescribed by
8 the department; and

9 (b) submitting a fee to the department, in an amount reasonably deter-
10 mined by the department, to help defray the costs of posting the memori-
11 al sign, provided that such fee shall not be excessive or prohibitive.

12 6. If the application meets the department's requirements and the
13 applicant pays the memorial sign fee, the department shall erect a sign.
14 A sign posted under this section may remain posted for two years. At the
15 end of the two-year period the department may release the sign to the
16 applicant. The department is not required to release a sign that has
17 been damaged.

18 7. A sign posted under this section that is damaged shall be removed
19 by the department. Except as provided in subdivision eight of this
20 section, the department may post a new sign if it has been less than two
21 years from the posting of the original sign and a person:

22 (a) submits a written request to the department to replace the sign;
23 and

24 (b) submits a replacement fee in the amount provided under paragraph
25 (b) of subdivision five of this section.

26 8. During the two-year posting period the department shall replace a
27 sign posted under this section that is damaged because of the depart-
28 ment's negligence.

29 9. The commissioner shall promulgate such rules and regulations as may
30 be necessary to effectuate the provisions of this section.

31 10. All signs posted pursuant to this section shall comply with all
32 applicable federal law and regulations.

33 § 3. Subdivision (a) of section 1640 of the vehicle and traffic law is
34 amended by adding a new paragraph 23 to read as follows:

35 23. Establish and administer a memorial sign program to publicly memo-
36 rialize the victims of fatal vehicle collisions.

37 (i) As used in this paragraph, "victim" means a person killed in a
38 highway collision, and "agency" means the appropriate administrative
39 agency responsible for highway maintenance in the municipality.

40 (ii) A sign designed and posted under this paragraph shall include:

41 a. the phrase "Please Don't Drink and Drive", "Please Don't Drive
42 Impaired", "Please Don't Text and Drive", "Please Don't Speed", "Please
43 Buckle Up", "Please Drive Sober", "Please Drive Safely", "Please Ride
44 Safely", "Please Watch for Bicyclists", "Please Watch for Motorcycles",
45 "Please Watch for Pedestrians", "Reckless Driving Costs Lives", "Seat
46 Belts Save Lives", "Slow Down for Workers", or "Stay Alert Drive Safe";

47 b. the phrase "In Memory Of" and the name of one or more victims in
48 accordance with the rules promulgated by the legislative body; and

49 c. the date of the collision that resulted in the victim's death.

50 (iii) The sign may include the names of more than one victim so long
51 as the total length of the names does not exceed one line of text.

52 (iv) A person may request that a sign be posted under this paragraph
53 by:

54 a. making an application to the agency on a form prescribed by the
55 legislative body; and

1 b. submitting a fee to the agency, in an amount reasonably determined
2 by the legislative body, to help defray the costs of posting the memori-
3 al sign, provided that such fee shall not be excessive or prohibitive.

4 (v) If the application meets the legislative body's requirements and
5 the applicant pays the memorial sign fee, the agency shall erect a sign.
6 A sign posted under this paragraph may remain posted for two years. At
7 the end of the two-year period the agency may release the sign to the
8 applicant. The agency is not required to release a sign that has been
9 damaged.

10 (vi) A sign posted under this paragraph that is damaged shall be
11 removed by the agency. Except as provided in subparagraph (viii) of this
12 paragraph, the agency may post a new sign if it has been less than two
13 years from the posting of the original sign and a person:

14 a. submits a written request to the agency to replace the sign; and
15 b. submits a replacement fee in the amount provided under clause b of
16 subparagraph (iv) of this paragraph.

17 (vii) During the two-year posting period the agency shall replace a
18 sign posted under this paragraph that is damaged because of the munici-
19 pality's negligence.

20 (viii) All signs posted pursuant to this paragraph shall comply with
21 all applicable federal law and regulations.

22 § 4. Subdivision (a) of section 1650 of the vehicle and traffic law is
23 amended by adding a new paragraph 8 to read as follows:

24 8. Establish and administer a memorial sign program to publicly memo-
25 rialize the victims of fatal vehicle collisions.

26 (i) As used in this paragraph, "victim" means a person killed in a
27 highway collision.

28 (ii) A sign designed and posted under this paragraph shall include:

29 a. the phrase "Please Don't Drink and Drive", "Please Don't Drive
30 Impaired", "Please Don't Text and Drive", "Please Don't Speed", "Please
31 Buckle Up", "Please Drive Sober", "Please Drive Safely", "Please Ride
32 Safely", "Please Watch for Bicyclists", "Please Watch for Motorcycles",
33 "Please Watch for Pedestrians", "Reckless Driving Costs Lives", "Seat
34 Belts Save Lives", "Slow Down for Workers", or "Stay Alert Drive Safe";

35 b. the phrase "In Memory Of" and the name of one or more victims in
36 accordance with the rules promulgated by the county superintendent of
37 highways; and

38 c. the date of the collision that resulted in the victim's death.

39 (iii) The sign may include the names of more than one victim so long
40 as the total length of the names does not exceed one line of text.

41 (iv) A person may request that a sign be posted under this paragraph
42 by:

43 a. making an application to the county superintendent of highways on a
44 form prescribed by the county superintendent of highways; and

45 b. submitting a fee to the county superintendent of highways, in an
46 amount reasonably determined by the elected legislative body of the
47 county, to help defray the costs of posting the memorial sign, provided
48 that such fee shall not be excessive or prohibitive.

49 (v) If the application meets the superintendent's requirements and the
50 applicant pays the memorial sign fee, the county superintendent of high-
51 ways shall erect a sign. A sign posted under this paragraph may remain
52 posted for two years. At the end of the two-year period the county
53 superintendent of highways may release the sign to the applicant. The
54 county superintendent of highways is not required to release a sign that
55 has been damaged.

1 (vi) A sign posted under this paragraph that is damaged shall be
2 removed by the county superintendent of highways. Except as provided in
3 subparagraph (viii) of this paragraph, the county superintendent of
4 highways may post a new sign if it has been less than two years from the
5 posting of the original sign and a person:

6 a. submits a written request to the county superintendent of highways
7 to replace the sign; and

8 b. submits a replacement fee in the amount provided under clause b of
9 subparagraph (iv) of this paragraph.

10 (vii) During the two-year posting period the county superintendent of
11 highways shall replace a sign posted under this paragraph that is
12 damaged because of the county's negligence.

13 (viii) All signs posted pursuant to this paragraph shall comply with
14 all applicable federal law and regulations.

15 § 5. Subdivision (a) of section 1660 of the vehicle and traffic law is
16 amended by adding a new paragraph 29 to read as follows:

17 29. Establish and administer a memorial sign program to publicly memo-
18 rialize the victims of fatal vehicle collisions.

19 (i) As used in this paragraph, "victim" means a person killed in a
20 highway collision.

21 (ii) A sign designed and posted under this paragraph shall include:

22 a. the phrase "Please Don't Drink and Drive", "Please Don't Drive
23 Impaired", "Please Don't Text and Drive", "Please Don't Speed", "Please
24 Buckle Up", "Please Drive Sober", "Please Drive Safely", "Please Ride
25 Safely", "Please Watch for Bicyclists", "Please Watch for Motorcycles",
26 "Please Watch for Pedestrians", "Reckless Driving Costs Lives", "Seat
27 Belts Save Lives", "Slow Down for Workers", or "Stay Alert Drive Safe";

28 b. the phrase "In Memory Of" and the name of one or more victims in
29 accordance with the rules promulgated by the legislative body; and
30 c. the date of the collision that resulted in the victim's death.

31 (iii) The sign may include the names of more than one victim so long
32 as the total length of the names does not exceed one line of text.

33 (iv) A person may request that a sign be posted under this paragraph
34 by:

35 a. making an application to the highway superintendent on a form
36 prescribed by the town board; and

37 b. submitting a fee to the highway superintendent, in an amount
38 reasonably determined by the town board, to help defray the costs of
39 posting the memorial sign, provided that such fee shall not be excessive
40 or prohibitive.

41 (v) If the application meets the town board's requirements and the
42 applicant pays the memorial sign fee, the highway superintendent shall
43 erect a sign. A sign posted under this paragraph may remain posted for
44 two years. At the end of the two-year period the highway superintendent
45 may release the sign to the applicant. The highway superintendent is not
46 required to release a sign that has been damaged.

47 (vi) A sign posted under this paragraph that is damaged shall be
48 removed by the highway superintendent. Except as provided in subpara-
49 graph g of this paragraph, the highway superintendent may post a new
50 sign if it has been less than two years from the posting of the original
51 sign and a person:

52 a. submits a written request to the highway superintendent to replace
53 the sign; and

54 b. submits a replacement fee in the amount provided under clause b of
55 subparagraph (iv) of this paragraph.

1 (vii) During the two-year posting period the highway superintendent
2 shall replace a sign posted under this paragraph that is damaged because
3 of the town's negligence.

4 (viii) All signs posted pursuant to this paragraph shall comply with
5 all applicable federal law and regulations.

6 § 6. This act shall take effect on the one hundred eightieth day after
7 it shall have become a law.