

1589

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ENGLEBRIGHT, ABBATE, KAVANAGH, GABRYSZAK --
Multi-Sponsored by -- M. of A. COLTON, KOON, PHEFFER, ROBINSON --
read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring
the removal or covering of inapplicable highway work zone traffic
control signs

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1686 to read as follows:
3 S 1686. WORK ZONE SIGNS. ANY SIGN OR SIGNS PLACED FOR HIGHWAY WORK
4 ZONE TRAFFIC CONTROL, INCLUDING, BUT NOT LIMITED TO, THOSE PLACED IN
5 HIGHWAY CONSTRUCTION OR MAINTENANCE WORK AREAS, OR ON RESTRICTED HIGH-
6 WAYS, SHALL BE PROMPTLY COVERED OR REMOVED WHENEVER SUCH SIGN OR SIGNS
7 ARE NOT APPLICABLE, AS DETERMINED BY THE STATE OR LOCAL AUTHORITY HAVING
8 JURISDICTION THEREON. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM
9 "RESTRICTED HIGHWAY" SHALL MEAN A HIGHWAY DESIGNATED AS SUCH PURSUANT TO
10 SECTION ONE HUNDRED FOUR-A OF THE HIGHWAY LAW.
11 S 2. Section 155 of the vehicle and traffic law, as amended by chapter
12 628 of the laws of 2002, is amended to read as follows:
13 S 155. Traffic infraction. The violation of any provision of this
14 chapter, except articles forty-seven and forty-eight AND SECTION SIXTEEN
15 HUNDRED EIGHTY-SIX OF THIS CHAPTER, or of any law, ordinance, order,
16 rule or regulation regulating traffic which is not declared by this
17 chapter or other law of this state to be a misdemeanor or a felony. A
18 traffic infraction is not a crime and the punishment imposed therefor
19 shall not be deemed for any purpose a penal or criminal punishment and
20 shall not affect or impair the credibility as a witness or otherwise of
21 any person convicted thereof. This definition shall be retroactive and
22 shall apply to all acts and violations heretofore committed where such

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

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1 acts and violations would, if committed subsequent to the taking effect
2 of this section, be included within the meaning of the term "traffic
3 infraction" as herein defined. Except in those portions of Suffolk coun-
4 ty for which a district court has been established, outside of cities
5 having a population in excess of two hundred thousand in which adminis-
6 trative tribunals have heretofore been established, courts and judicial
7 officers heretofore having jurisdiction over such violations shall
8 continue to do so and for such purpose such violations shall be deemed
9 misdemeanors and all provisions of law relating to misdemeanors except
10 as provided in section eighteen hundred five of this chapter and except
11 as herein otherwise expressly provided shall apply except that no jury
12 trial shall be allowed for traffic infractions. In those portions of
13 Suffolk county for which a district court has been established, and in
14 cities having a population in excess of two hundred thousand in which
15 administrative tribunals have heretofore been established, the criminal
16 courts of such cities or portions of Suffolk county in which a district
17 court has been established shall have jurisdiction to hear and determine
18 any complaint alleging a violation constituting a traffic infraction,
19 except that administrative tribunals heretofore established in such
20 cities or portions of Suffolk county in which a district court has been
21 established shall have jurisdiction to hear and determine any charge of
22 an offense which is a traffic infraction, except parking, standing or
23 stopping. In cities having a population in excess of two hundred thou-
24 sand in which administrative tribunals have heretofore been established,
25 and any such administrative tribunal established by the city of Yonkers,
26 the city of Peekskill, or the city of Syracuse, such tribunals shall
27 have jurisdiction to hear and determine any charge of an offense which
28 is a parking, standing or stopping violation. Any fine imposed by an
29 administrative tribunal shall be a civil penalty. For purposes of arrest
30 without a warrant, pursuant to article one hundred forty of the criminal
31 procedure law, a traffic infraction shall be deemed an offense.

32 S 3. This act shall take effect on the thirtieth day after it shall
33 have become a law.