S T A T E O F N E W Y O R K

1931

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. BENJAMIN, WALKER -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring drivers to come to a full stop prior to passing a sanitation vehicle

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 1177 to read as follows:

S 1177. OVERTAKING AND PASSING A SANITATION VEHICLE. (A) THE DRIVER OF A VEHICLE UPON A PUBLIC HIGHWAY, STREET OR PRIVATE ROAD UPON MEETING OR OVERTAKING FROM EITHER DIRECTION A SANITATION VEHICLE WHICH HAS STOPPED ON THE PUBLIC HIGHWAY, STREET OR PRIVATE ROAD FOR THE PURPOSE OF PICKING UP SOLID WASTE OR RECYCLABLE MATERIALS SHALL STOP HIS OR HER VEHICLE BEFORE REACHING SUCH SANITATION VEHICLE AND PRIOR TO PASSING SUCH SANITATION VEHICLE AND SAID DRIVER SHALL NOT PROCEED UNTIL SUCH SANITATION VEHICLE RESUMES MOTION, OR UNTIL SIGNALED BY THE DRIVER OR A POLICE OFFICER TO PROCEED.

(B) EVERY PERSON CONVICTED OF A VIOLATION OF SUBDIVISION (A) OF THIS SECTION SHALL: FOR A FIRST CONVICTION THEREOF, BE PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN FOUR HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT; FOR A CONVICTION OF A SECOND VIOLATION, BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF THREE YEARS, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS THAN SIX HUNDRED DOLLARS NOR MORE THAN SEVEN HUNDRED FIFTY DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE HUNDRED EIGHTY DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT; UPON A CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION, ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF THREE YEARS, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS THAN SEVEN HUNDRED FIFTY DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE HUNDRED EIGHTY DAYS OR BOTH SUCH FINE AND IMPRISONMENT.

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

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(C) FOR PURPOSES OF THIS SECTION "SANITATION VEHICLE" MEANS A VEHICLE USED FOR THE COLLECTION OF SOLID WASTE OR RECYCLABLE MATERIALS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.