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

3453

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to the operation of an all-terrain vehicle on school grounds

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

Section 1. Section 2403 of the vehicle and traffic law is amended by adding a new subdivision 3-b to read as follows:

3-B. SCHOOL GROUNDS. (A) NO PERSON SHALL OPERATE AN ATV ON SCHOOL GROUNDS, OR ON ANY BASEBALL, FOOTBALL OR SOCCER FIELD WITHOUT THE CONSENT OF THE OWNER OR LESSEE THEREOF, WHERE SUCH OWNER OR LESSEE HAS ERECTED OR MAINTAINED ANY SIGN, STRUCTURE, DISPLAY OR DEVICE PROHIBITING THE TRESPASS THEREON, AND WHICH SHALL INCLUDE A SIGN STATING: "NO TRESPASSING". A VIOLATION OF THIS SUBDIVISION SHALL BE A TRAFFIC INFRACTION AND SHALL UPON A CONVICTION OF A FIRST VIOLATION BE PUNISHABLE BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN FIFTEEN DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT; AND UPON A CONVICTION OF A SECOND VIOLATION, BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FOUR HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN FORTY-FIVE DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT; AND UPON A CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION, ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED FIFTY DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN NINETY DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT.

(B) FOR THE PURPOSES OF THIS SUBDIVISION, "SCHOOL GROUNDS" SHALL MEAN ANY ATHLETIC PLAYING FIELD, PLAYGROUND OR LAND CONTAINED WITHIN THE REAL PROPERTY BOUNDARY LINE OF A PUBLIC OR PRIVATE ELEMENTARY, SECONDARY OR VOCATIONAL SCHOOL.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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