

9743

I N A S S E M B L Y

January 21, 2010

Introduced by M. of A. COOK, MARKEY, POWELL -- Multi-Sponsored by -- M.
of A. M. MILLER -- read once and referred to the Committee on Trans-
portation

AN ACT to amend the vehicle and traffic law, in relation to prohibition
of radar detectors

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

1 Section 1. Section 397-a of the vehicle and traffic law is amended by
2 adding a new subdivision 2-a to read as follows:
3 2-A. IT SHALL BE UNLAWFUL TO OPERATE UPON ANY PUBLIC HIGHWAY IN THIS
4 STATE A MOTOR VEHICLE WHICH IS EQUIPPED WITH A RADAR DETECTOR OR LASER
5 DETECTOR COMMONLY KNOWN AS A PHAZER II DEVICE. THE PRESENCE IN SUCH
6 VEHICLE OF A PHAZER II DEVICE CONNECTED TO A POWER SOURCE AND IN AN
7 OPERABLE CONDITION IS PRESUMPTIVE EVIDENCE OF ITS USE BY ANY PERSON
8 OPERATING SUCH VEHICLE. SUCH PRESUMPTION SHALL BE REBUTTED BY ANY CREDI-
9 BLE AND RELIABLE EVIDENCE WHICH TENDS TO SHOW THAT SUCH DEVICE WAS NOT
10 IN USE.
11 S 2. This act shall take effect immediately.

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

LBD07565-01-9