

2062--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. PEOPLES-STOKES, SCHROEDER, GABRYSZAK, HOYT --
Multi-Sponsored by -- M. of A. BOYLAND, COLTON, MAYERSOHN, J. RIVERA
-- read once and referred to the Committee on Transportation -- recom-
mitted to the Committee on Transportation in accordance with Assembly
Rule 3, sec. 2 -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to directing
the city of Buffalo to adjudicate traffic infractions

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

1 Section 1. Subdivision 1 of section 225 of the vehicle and traffic
2 law, as amended by chapter 173 of the laws of 1990, is amended to read
3 as follows:

4 1. (A) Notwithstanding any inconsistent provision of law, all
5 violations of this chapter or of a law, ordinance, order, rule or regu-
6 lation relating to traffic, except parking, standing, stopping or pedes-
7 trian offenses, which occur within a city having a population of two
8 hundred thousand or more in which administrative tribunals have hereto-
9 fore been established, or within that portion of Suffolk county for
10 which a district court has been established, and which are classified as
11 traffic infractions, may be heard and determined pursuant to the regu-
12 lations of the commissioner as provided in this article.

13 (B) FOR PURPOSES OF THIS ARTICLE WITH REGARD TO THE ADJUDICATION OF
14 ANY VIOLATION OF THIS CHAPTER OR OF A LAW, ORDINANCE, ORDER, RULE OR
15 REGULATION RELATING TO TRAFFIC, WHICH IS CLASSIFIED AS A TRAFFIC INFRAC-
16 TION, THE CITY OF BUFFALO SHALL BE DEEMED TO BE A CITY HAVING A POPU-
17 LATION OF LESS THAN TWO HUNDRED THOUSAND AND PARAGRAPH (A) OF THIS
18 SUBDIVISION SHALL NOT APPLY. NOTWITHSTANDING ANY INCONSISTENT PROVISION
19 OF A GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, THE CITY OF BUFFALO
20 SHALL PROVIDE BY LOCAL LAW FOR THE ADMINISTRATIVE ADJUDICATION OF TRAF-
21 FIC INFRACTIONS.

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

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1 (C) Whenever a crime and a traffic infraction arise out of the same
2 transaction or occurrence, a charge alleging both offenses may be made
3 returnable before the court having jurisdiction over the crime. Nothing
4 herein provided shall be construed to prevent a court, having jurisdic-
5 tion over a criminal charge relating to traffic or a traffic infraction,
6 from lawfully entering a judgment of conviction, whether or not based on
7 a plea of guilty, for any offense classified as a traffic infraction.

8 S 2. This act shall take effect January 1, 2011. Effective immediate-
9 ly, the addition, amendment and/or repeal of any rule or regulation
10 necessary for the implementation of this act on its effective date are
11 authorized and directed to be made and completed on or before such
12 effective date.