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

S. 4128 A. 7508

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

April 14, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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

AN ACT to amend the vehicle and traffic law, in relation to prohibiting the use of any device which affects the operation of a traffic-control signal

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

Section 1. Section 1115 of the vehicle and traffic law, as amended by chapter 315 of the laws of 1969, is amended to read as follows:

S 1115. Interference with official traffic-control devices, railroad signs or signals and other highway appurtenances. (a) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, cover, remove, or otherwise interfere with any official traffic-control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof; any bridge or similar structure; any monument, lamppost, telephone pole, fence, walk, curb, tree, rock cut or other appurtenance on a highway right of way.

(b) For the purposes of this section[,] THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. to ['deface'] "DEFACE" shall include, but not be limited to, to damage, destroy, disfigure, erase, ruin, distort, spoil or otherwise change the external appearance of an object by the use of chalk, crayon, paint, stain, ink or other similar material.

2. TO "ALTER" A TRAFFIC-CONTROL SIGNAL SHALL INCLUDE, BUT NOT BE LIMITED TO, CHANGING OR ATTEMPTING TO CHANGE THE SIGNAL INDICATIONS OF A

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

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TRAFFIC-CONTROL SIGNAL BY USE OF A TRAFFIC-CONTROL SIGNAL PREEMPTION DEVICE.

3. "TRAFFIC-CONTROL SIGNAL PREEMPTION DEVICE" SHALL MEAN ANY DEVICE DESIGNED OR USED TO CHANGE OR ATTEMPT TO CHANGE THE SIGNAL INDICATIONS OF A TRAFFIC-CONTROL SIGNAL.

(C) THE PRESENCE IN A VEHICLE OF A TRAFFIC-CONTROL SIGNAL PREEMPTION DEVICE CONNECTED TO A POWER SOURCE AND IN AN OPERABLE CONDITION IS PRESUMPTIVE EVIDENCE OF ITS USE BY ANY PERSON OPERATING SUCH VEHICLE. SUCH PRESUMPTION SHALL BE REBUTTED BY ANY CREDIBLE AND RELIABLE EVIDENCE WHICH TENDS TO SHOW THAT SUCH DEVICE WAS NOT IN USE.

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