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

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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 Transportation

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 397-a of the vehicle and traffic law is amended by adding a new subdivision 2-a to read as follows:

2-A. IT SHALL BE UNLAWFUL TO OPERATE UPON ANY PUBLIC HIGHWAY IN THIS STATE A MOTOR VEHICLE WHICH IS EQUIPPED WITH A RADAR DETECTOR OR LASER DETECTOR COMMONLY KNOWN AS A PHAZER II DEVICE. THE PRESENCE IN SUCH VEHICLE OF A PHAZER II 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 immediately.

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

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