

1156--A

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sens. THOMPSON, DILAN, ONORATO, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Codes -- 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 ASSEMBLY, 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

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

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1 SHALL PROVIDE BY LOCAL LAW FOR THE ADMINISTRATIVE ADJUDICATION OF TRAF-
2 FIC INFRACTIONS.

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

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