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

879

2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to driving in preferential use lanes

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

Section 1. The vehicle and traffic law is amended by adding a new section 132-b to read as follows:

S 132-B. PREFERENTIAL USE LANE. A LANE RESERVED FOR USE BY SPECIFIED TYPES OR CLASSES OF VEHICLES INCLUDING A LANE RESERVED FOR USE BASED UPON THE NUMBER OF OCCUPANTS IN SUCH VEHICLES.

S 2. Section 1128 of the vehicle and traffic law is amended by adding a new subdivision (e) to read as follows:

(E) WHEN OFFICIAL MARKINGS DELINEATING A PREFERENTIAL USE LANE ARE IN PLACE AND DESIGNATE LOCATIONS WHERE CROSSING SUCH MARKINGS WOULD BE ESPECIALLY HAZARDOUS, NO DRIVER OF A VEHICLE PROCEEDING ALONG SUCH HIGHWAY SHALL AT ANY TIME DRIVE ACROSS SUCH MARKINGS.

S 3. The vehicle and traffic law is amended by adding a new section 1132 to read as follows:

S 1132. DRIVING IN PREFERENTIAL USE LANES. NO PERSON SHALL OPERATE A MOTOR VEHICLE IN A LANE OF A HIGHWAY, STREET OR ROADWAY WHICH HAS BEEN DESIGNATED AS A PREFERENTIAL USE LANE DURING THE TIME THE DESIGNATION IS IN EFFECT UNLESS SUCH MOTOR VEHICLE IS BEING OPERATED IN COMPLIANCE WITH THE TERMS OF THE AUTHORIZED DESIGNATED PREFERENTIAL USE.

S 4. Subdivision (b) of section 1800 of the vehicle and traffic law is amended by adding two new paragraphs 3 and 4 to read as follows:

3. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION, A PERSON CONVICTED OF A TRAFFIC INFRACTION FOR A VIOLATION OF THE PROVISIONS OF SECTION ELEVEN HUNDRED THIRTY-TWO OF THIS CHAPTER SHALL FOR CONVICTION THEREOF, BE PUNISHED BY A FINE OF NOT MORE THAN SEVENTY-FIVE DOLLARS AND SUCH CONVICTION SHALL NOT BE DEEMED A CONVICTION AS AN

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

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OPERATOR AND SHALL NOT BE MADE PART OF THE OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

4. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION, A PERSON CONVICTED OF A TRAFFIC INFRACTION FOR A VIOLATION OF THE PROVISIONS OF SUBDIVISION (E) OF SECTION ELEVEN HUNDRED TWENTY-EIGHT OF THIS CHAPTER SHALL, FOR A FIRST CONVICTION THEREOF, BE PUNISHED BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN TWO HUNDRED DOLLARS, FOR A CONVICTION OF A SECOND OR SUBSEQUENT VIOLATION, ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED DOLLARS NOR MORE THAN THREE HUNDRED DOLLARS.

S 5. This act shall take effect on the one hundred twentieth day after it shall have become a law.