

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. MARCELLINO -- 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 radar and laser blocking devices

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

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 134-d to read as follows:

3 S 134-D. RADAR OR LASER BLOCKING DEVICE. ANY INSTRUMENT DESIGNED TO  
4 BLOCK OR JAM, BY EITHER MECHANICAL OR ELECTRONIC MEANS, ANY RADAR OR  
5 LASER DEVICE USED BY A POLICE OFFICER TO MONITOR VEHICULAR SPEED.

6 S 2. Section 397-a of the vehicle and traffic law, as amended by chap-  
7 ter 524 of the laws of 1996, is amended to read as follows:

8 S 397-a. Radar detectors [and], laser detectors AND RADAR AND LASER  
9 BLOCKING DEVICES prohibited. 1. A. No radar detector or laser detector  
10 shall be used in any motor vehicle with a gross vehicle weight rating of  
11 more than eighteen thousand pounds or in any commercial vehicle with a  
12 gross vehicle weight rating of more than ten thousand pounds. The pres-  
13 ence in such vehicle of a radar detector or laser detector connected to  
14 a power source and in an operable condition is presumptive evidence of  
15 its use by any person operating such vehicle. Such presumption shall be  
16 rebutted by any credible and reliable evidence which tends to show that  
17 such radar detector or laser detector was not in use.

18 B. NO RADAR OR LASER BLOCKING DEVICE SHALL BE USED IN ANY MOTOR VEHI-  
19 CLE. THE PRESENCE IN SUCH VEHICLE OF A RADAR OR LASER BLOCKING DEVICE  
20 CONNECTED TO A POWER SOURCE AND IN AN OPERABLE CONDITION IS PRESUMPTIVE  
21 EVIDENCE OF ITS USE BY ANY PERSON OPERATING SUCH VEHICLE. SUCH PRESUMP-  
22 TION SHALL BE REBUTTED BY ANY CREDIBLE AND RELIABLE EVIDENCE WHICH TENDS  
23 TO SHOW THAT SUCH RADAR OR LASER BLOCKING DEVICE WAS NOT IN USE.

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

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1 2. The provisions of this section shall not be construed as authoriz-  
2 ing the seizure or forfeiture of a radar detector [or], laser detector  
3 OR RADAR OR LASER BLOCKING DEVICE, unless otherwise provided by law.

4 3. A violation of the provisions of this section shall constitute a  
5 traffic infraction punishable by a fine of not less than twenty-five nor  
6 more than one hundred dollars.

7 S 3. Subdivision (g) of section 1180 of the vehicle and traffic law,  
8 as amended by chapter 173 of the laws of 1990 and paragraphs (i) and  
9 (ii) as amended by chapter 101 of the laws of 1999, is amended to read  
10 as follows:

11 (g) (i) No person who uses a radar or laser detector in a vehicle with  
12 a gross vehicle weight rating of more than eighteen thousand pounds, or  
13 a commercial motor vehicle with a gross vehicle weight rating of more  
14 than ten thousand pounds, OR WHO USES A RADAR OR LASER BLOCKING DEVICE  
15 IN ANY MOTOR VEHICLE, shall drive at a speed in excess of fifty-five  
16 miles per hour or, if a maximum speed limit other than fifty-five miles  
17 per hour as hereinbefore authorized has been established, at a speed in  
18 excess of such speed limit. The presence in any such vehicle of either:  
19 (1) a radar or laser detector OR A RADAR OR LASER BLOCKING DEVICE  
20 connected to a power source and in an operable condition; or (2) a  
21 concealed radar or laser detector OR A CONCEALED RADAR OR LASER BLOCKING  
22 DEVICE where a part of such detector OR BLOCKING DEVICE is securely  
23 affixed to some part of the vehicle outside of the cab, in a manner  
24 which renders the detector OR THE BLOCKING DEVICE not readily observa-  
25 ble, is presumptive evidence of its use by any person operating such  
26 vehicle. Either such presumption shall be rebutted by any credible and  
27 reliable evidence which tends to show that such radar or laser detector  
28 OR SUCH RADAR OR LASER BLOCKING DEVICE was not in use.

29 (ii) The provisions of this section shall not be construed as author-  
30 izing the seizure or forfeiture of a radar or laser detector OR A RADAR  
31 OR LASER BLOCKING DEVICE, unless otherwise provided by law.

32 S 4. This act shall take effect on the first of November next succeed-  
33 ing the date on which it shall have become a law.