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

1638

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

Introduced by M. of A. DINOWITZ, GUNTHER, BENEDETTO, GALEF, P. RIVERA, LAVINE, CLARK, HOOPER, MAISEL -- Multi-Sponsored by -- M. of A. BOYLAND, CALHOUN, CROUCH, GIGLIO, GOTTFRIED, JAFFEE, MARKEY, MAYER-SOHN, McDONOUGH, McENENY, McKEVITT, OAKS, PHEFFER, RAIA, REILICH, REILLY, ROBINSON, SPANO, THIELE, TOWNS, WEISENBERG -- 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. The vehicle and traffic law is amended by adding a new section 397-c to read as follows:

S 397-C. INTERFERENCE WITH A TRAFFIC-CONTROL SIGNAL. 1. NO PERSON SHALL OPERATE ANY MOTOR VEHICLE, EXCEPT AN AUTHORIZED EMERGENCY VEHICLE OR AUTHORIZED PUBLIC TRANSPORTATION VEHICLE, WHICH HE OR SHE KNOWS IS EQUIPPED WITH A DEVICE CAPABLE OF AFFECTING THE OPERATION OF ANY TRAFFIC-CONTROL SIGNAL. THE PRESENCE IN A MOTOR VEHICLE OF SUCH A DEVICE CONNECTED TO A POWER SOURCE AND IN AN OPERABLE CONDITION IS PRESUMPTIVE EVIDENCE OF THE OPERATOR'S KNOWLEDGE OF THE DEVICE. SUCH PRESUMPTION SHALL BE REBUTTED BY ANY CREDITABLE EVIDENCE WHICH TENDS TO SHOW THAT THE OPERATOR OF THE MOTOR VEHICLE WAS NOT AWARE OF THE PRESENCE OF SUCH DEVICE.

2. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY PERSON USING SUCH A DEVICE WHILE ENGAGED IN THE AUTHORIZED MAINTENANCE OR REPAIR OF A TRAFFIC-CONTROL SIGNAL.

3. A VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL CONSTITUTE A TRAFFIC INFRACTION PUNISHABLE BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN THREE HUNDRED DOLLARS.

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

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4. A VIOLATION OF SUBDIVISION ONE OF THIS SECTION WHILE USING SUCH A DEVICE TO AFFECT THE OPERATION OF A TRAFFIC-CONTROL SIGNAL SHALL CONSTITUTE A CLASS A MISDEMEANOR.

5. A VIOLATION OF SUBDIVISION ONE OF THIS SECTION WHILE USING SUCH A DEVICE TO AFFECT THE OPERATION OF A TRAFFIC-CONTROL SIGNAL AND SUCH USE CAUSES PERSONAL INJURY OR DEATH AS A RESULT OF ITS EFFECT ON A TRAFFIC-CONTROL SIGNAL SHALL CONSTITUTE A CLASS E FELONY.

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