

4133

2011-2012 Regular Sessions

I N A S S E M B L Y

February 1, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring
the removal or covering of inapplicable highway work zone traffic
control signs

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1686 to read as follows:
3 S 1686. WORK ZONE SIGNS. ANY SIGN OR SIGNS PLACED FOR HIGHWAY WORK
4 ZONE TRAFFIC CONTROL, INCLUDING, BUT NOT LIMITED TO, THOSE PLACED IN
5 HIGHWAY CONSTRUCTION OR MAINTENANCE WORK AREAS, OR ON RESTRICTED HIGH-
6 WAYS, SHALL BE PROMPTLY COVERED OR REMOVED WHENEVER SUCH SIGN OR SIGNS
7 ARE NOT APPLICABLE, AS DETERMINED BY THE STATE OR LOCAL AUTHORITY HAVING
8 JURISDICTION THEREON. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM
9 "RESTRICTED HIGHWAY" SHALL MEAN A HIGHWAY DESIGNATED AS SUCH PURSUANT TO
10 SECTION ONE HUNDRED FOUR-A OF THE HIGHWAY LAW.
11 S 2. Section 155 of the vehicle and traffic law, as amended by chapter
12 628 of the laws of 2002, is amended to read as follows:
13 S 155. Traffic infraction. The violation of any provision of this
14 chapter, except articles forty-seven and forty-eight AND SECTION SIXTEEN
15 HUNDRED EIGHTY-SIX OF THIS CHAPTER, or of any law, ordinance, order,
16 rule or regulation regulating traffic which is not declared by this
17 chapter or other law of this state to be a misdemeanor or a felony. A
18 traffic infraction is not a crime and the punishment imposed therefor
19 shall not be deemed for any purpose a penal or criminal punishment and
20 shall not affect or impair the credibility as a witness or otherwise of
21 any person convicted thereof. This definition shall be retroactive and
22 shall apply to all acts and violations heretofore committed where such
23 acts and violations would, if committed subsequent to the taking effect
24 of this section, be included within the meaning of the term "traffic

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

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1 infraction" as herein defined. Except in those portions of Suffolk coun-
2 ty for which a district court has been established, outside of cities
3 having a population in excess of two hundred thousand in which adminis-
4 trative tribunals have heretofore been established, courts and judicial
5 officers heretofore having jurisdiction over such violations shall
6 continue to do so and for such purpose such violations shall be deemed
7 misdemeanors and all provisions of law relating to misdemeanors except
8 as provided in section eighteen hundred five of this chapter and except
9 as herein otherwise expressly provided shall apply except that no jury
10 trial shall be allowed for traffic infractions. In those portions of
11 Suffolk county for which a district court has been established, and in
12 cities having a population in excess of two hundred thousand in which
13 administrative tribunals have heretofore been established, the criminal
14 courts of such cities or portions of Suffolk county in which a district
15 court has been established shall have jurisdiction to hear and determine
16 any complaint alleging a violation constituting a traffic infraction,
17 except that administrative tribunals heretofore established in such
18 cities or portions of Suffolk county in which a district court has been
19 established shall have jurisdiction to hear and determine any charge of
20 an offense which is a traffic infraction, except parking, standing or
21 stopping. In cities having a population in excess of two hundred thou-
22 sand in which administrative tribunals have heretofore been established,
23 and any such administrative tribunal established by the city of Yonkers,
24 the city of Peekskill, or the city of Syracuse, such tribunals shall
25 have jurisdiction to hear and determine any charge of an offense which
26 is a parking, standing or stopping violation. Any fine imposed by an
27 administrative tribunal shall be a civil penalty. For purposes of arrest
28 without a warrant, pursuant to article one hundred forty of the criminal
29 procedure law, a traffic infraction shall be deemed an offense.
30 S 3. This act shall take effect on the thirtieth day after it shall
31 have become a law.