

1517

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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 establishing
the school safety zone act

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

1 Section 1. This act shall be known and may be cited as the "school
2 safety zone act".
3 S 2. The vehicle and traffic law is amended by adding a new section
4 142-a to read as follows:
5 S 142-A. SCHOOL SAFETY ZONE. THE AREA OR SPACE INCLUDED WITHIN A ONE-
6 QUARTER MILE RADIUS OF A PRIMARY OR SECONDARY SCHOOL; EXCEPT THAT IN
7 CITIES COMPRISING MORE THAN ONE COUNTY, SUCH RADIUS SHALL BE TWO HUNDRED
8 YARDS.
9 S 3. The vehicle and traffic law is amended by adding two new sections
10 1229-e and 1229-f to read as follows:
11 S 1229-E. FINES DOUBLED WITHIN SCHOOL SAFETY ZONE. 1. THE OTHERWISE
12 APPLICABLE FINE OR RANGE OF FINES FOR THE COMMISSION OF A MOVING TRAFFIC
13 VIOLATION PROHIBITED UNDER ANY PROVISION OF THIS TITLE WITHIN A SCHOOL
14 SAFETY ZONE, AS DEFINED IN SECTION ONE HUNDRED FORTY-TWO-A OF THIS CHAP-
15 TER, DURING POSTED SCHOOL HOURS SHALL BE DOUBLED.
16 2. THE (A) GOVERNING BODY OF THE CITY, TOWN, OR VILLAGE IN WHICH ANY
17 SCHOOL SAFETY ZONE IS LOCATED IN EVERY COUNTY NOT WHOLLY CONTAINED WITH-
18 IN A CITY AND (B) LOCAL COMMUNITY BOARD OF ANY CITY COMPRISING MORE THAN
19 ONE COUNTY SHALL OBTAIN FROM THE SCHOOL AUTHORITIES OF EVERY SCHOOL
20 BUILDING IN A SCHOOL SAFETY ZONE WITHIN THEIR RESPECTIVE JURISDICTIONS
21 THE SCHOOL HOURS OF EACH SUCH SCHOOL BUILDING. SUCH HOURS SHALL BE
22 INCORPORATED INTO THE SIGNS POSTED AS REQUIRED BY LAW AND PRESCRIPTION
23 OF THE COMMISSIONER OF TRANSPORTATION TO DESIGNATE SCHOOL SAFETY ZONES.

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

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1 3. FOR ONE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, FIFTY
2 PERCENT OF THE INCREASED FINE REVENUE GENERATED PURSUANT TO THIS SECTION
3 SHALL BE RETAINED, DEDICATED OR REMITTED TO THE GOVERNING BODY OF EACH
4 CITY, TOWN OR VILLAGE TO PAY FOR THE SIGNAGE REQUIRED PURSUANT TO SUBDI-
5 VISION TWO OF THIS SECTION. SUCH FIFTY PERCENT SHALL BE TAKEN OUT OF THE
6 INCREASED FINE REVENUE TO BE REMITTED TO THE STATE.

7 S 1229-F. SCHOOL SAFETY ZONES; ESTABLISHMENT OF MAXIMUM SCHOOL SPEED
8 LIMITS. THE BODY OR OFFICER AUTHORIZED BY THIS TITLE TO ESTABLISH MAXI-
9 MUM SCHOOL SPEED LIMITS SHALL ESTABLISH SUCH MAXIMUM SCHOOL SPEED LIMITS
10 WITHIN ALL SCHOOL SAFETY ZONES AND SHALL DO SO IN CONSULTATION WITH THE:

11 (1) (A) GOVERNING BODY OF THE CITY, TOWN, OR VILLAGE IN WHICH SUCH
12 SCHOOL SAFETY ZONE IS LOCATED IN EVERY COUNTY NOT WHOLLY CONTAINED WITH-
13 IN A CITY, UNLESS SUCH BODY OR OFFICER SO AUTHORIZED BE SUCH GOVERNING
14 BODY, OR (B) LOCAL COMMUNITY BOARD OF ANY CITY COMPRISING MORE THAN ONE
15 COUNTY; AND (2) THE POLICE DEPARTMENT, FORCE, OR AGENCY HAVING JURISDIC-
16 TION OVER SUCH SCHOOL SAFETY ZONE, IN THE FOLLOWING ORDER OF PREFERENCE:
17 (A) CITY, TOWN, OR VILLAGE POLICE, (B) COUNTY SHERIFF OR POLICE, AND (C)
18 STATE POLICE; PROVIDED THAT IF ANY SCHOOL SAFETY ZONE IS SUBJECT TO THE
19 JURISDICTION OF ANY BODY OR OFFICER AUTHORIZED TO ESTABLISH MAXIMUM
20 SCHOOL SPEED LIMITS PURSUANT TO SECTION SIXTEEN HUNDRED THIRTY OF THIS
21 CHAPTER AND SUCH BODY OR OFFICER HAS ITS OWN POLICE DEPARTMENT, FORCE,
22 OR AGENCY, SUCH POLICE DEPARTMENT, FORCE, OR AGENCY SHALL BE FIRST IN
23 ORDER OF PREFERENCE FOR CONSULTATION WITH RESPECT TO SCHOOL SAFETY ZONES
24 SUBJECT TO THE JURISDICTION OF SUCH BODY OR OFFICER.

25 S 4. The commissioner of transportation, or his or her designee, shall
26 prescribe the appropriate type of signage, which shall include the
27 language, "school safety zone fines doubled during school hours", state
28 the applicable school hours, and be conspicuously posted and maintained
29 by the city, town, or village wherein the school safety zone is located.

30 S 5. This act shall take effect on the first of November next succeed-
31 ing the date on which it shall have become a law; provided that any and
32 all rules and regulations and any other measures necessary to implement
33 any provision of this act on its effective date may be promulgated and
34 taken, respectively, on or before the effective date of such provision.