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

4623

2015-2016 Regular Sessions

I N A S S E M B L Y

February 5, 2015

Introduced by M. of A. COLTON, BENEDETTO, WEPRIN -- Multi-Sponsored by -- M. of A. CERETTO, MONTESANO, ROBINSON -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to performance of illegal maneuvers while operating a motorcycle

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 1254 to read as follows:

S 1254. PERFORMANCE OF AN ILLEGAL MANEUVER WHILE OPERATING A MOTORCYCLE. (A) "ILLEGAL MANEUVER" SHALL MEAN ANY MANEUVER PERFORMED BY THE OPERATOR OF A MOTORCYCLE WHICH REQUIRES THE FRONT OR REAR WHEEL OF SUCH MOTORCYCLE TO LEAVE CONTACT WITH THE ROAD, OR ANY MANEUVER DESCRIBED IN SUBDIVISIONS (B) AND (C) OF SECTION TWELVE HUNDRED FIFTY-TWO OF THIS ARTICLE. ILLEGAL MANEUVER SHALL NOT MEAN A MANEUVER PERFORMED BY A MOTORCYCLE WITH A SIDE PASSENGER TRUCK ATTACHMENT, IN WHICH THE SIDE TRUCK LEAVES THE ROAD IN THE COURSE OF TAKING A TURN.

(B) THE OPERATOR OF A MOTORCYCLE SHALL NOT PERFORM AN ILLEGAL MANEUVER WHILE OPERATING A MOTORCYCLE.

(C) A VIOLATION OF SUBDIVISION (B) OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF TWO HUNDRED FIFTY DOLLARS AND SHALL NOT EXCEED THREE HUNDRED EIGHTY-FIVE DOLLARS.

(D) A SECOND VIOLATION OF SUBDIVISION (B) OF THIS SECTION, WITHIN EIGHTEEN MONTHS OF PRIOR CONVICTION, SHALL BE PUNISHABLE BY A FINE OF THREE HUNDRED EIGHTY-FIVE DOLLARS AND SHALL NOT EXCEED SIX HUNDRED TEN DOLLARS. IN ADDITION TO ANY PENALTIES WHICH MAY BE IMPOSED PURSUANT TO THIS SUBDIVISION, THE VIOLATOR'S LICENSE AND REGISTRATION SHALL BE REVOKED AUTOMATICALLY FOR A PERIOD OF ONE YEAR.

(E) A THIRD OR SUBSEQUENT VIOLATION OF SUBDIVISION (B) OF THIS SECTION, WITHIN EIGHTEEN MONTHS OF PRIOR CONVICTION, SHALL BE PUNISHABLE BY A FINE OF SIX HUNDRED TEN DOLLARS AND SHALL NOT EXCEED ONE THOUSAND

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

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TWO HUNDRED TEN DOLLARS. IN ADDITION TO ANY PENALTIES WHICH MAY BE IMPOSED PURSUANT TO THIS SUBDIVISION, THE VIOLATOR'S LICENSE AND REGISTRATION SHALL BE REVOKED AUTOMATICALLY FOR A PERIOD OF FIVE YEARS.

S 2. Subparagraphs (xii) and (xiii) of paragraph a of subdivision 2 of section 510 of the vehicle and traffic law, as added by section 1 of part B of chapter 55 of the laws of 2014, are amended and two new subparagraphs (xiv) and (xv) are added to read as follows:

(xii) of a second or subsequent conviction of a violation of section twelve hundred twenty-five-c or section twelve hundred twenty-five-d of this chapter committed where such person is the holder of a probationary license, as defined in subdivision four of section five hundred one of this title, at the time of the commission of such violation and such second or subsequent violation was committed within six months following the restoration or issuance of such probationary license; [or]

(xiii) of a second or subsequent conviction of a violation of section twelve hundred twenty-five-c or section twelve hundred twenty-five-d of this chapter committed where such person is the holder of a class DJ or MJ learner's permit or a class DJ or MJ license at the time of the commission of such violation and such second or subsequent violation was committed within six months following the restoration of such permit or license[.] ;

(XIV) OF A SECOND VIOLATION OF SUBDIVISION (B) OF SECTION TWELVE HUNDRED FIFTY-FOUR OF THIS CHAPTER SHALL RESULT IN A LICENSE AND REGISTRATION REVOCATION OF ONE YEAR; OR

(XV) OF A THIRD VIOLATION OF SUBDIVISION (B) OF SECTION TWELVE HUNDRED FIFTY-FOUR OF THIS CHAPTER SHALL RESULT IN A LICENSE AND REGISTRATION REVOCATION OF FIVE YEARS.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.