

5742--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 4, 2015

Introduced by M. of A. ENGLEBRIGHT, ABBATE, KAVANAGH, ABINANTI --
Multi-Sponsored by -- M. of A. COLTON, ROBINSON -- read once and
referred to the Committee on Transportation -- recommitted to the
Committee on Transportation in accordance with Assembly Rule 3, sec. 2
-- committee discharged, bill amended, ordered reprinted as amended
and recommitted to said committee

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 section
12 1 of part CC of chapter 58 of the laws of 2015, is amended to read as
13 follows:
14 S 155. Traffic infraction. The violation of any provision of this
15 chapter, except articles forty-seven and forty-eight AND SECTION SIXTEEN
16 HUNDRED EIGHTY-SIX OF THIS CHAPTER, or of any law, ordinance, order,
17 rule or regulation regulating traffic which is not declared by this
18 chapter or other law of this state to be a misdemeanor or a felony. A
19 traffic infraction is not a crime and the punishment imposed therefor
20 shall not be deemed for any purpose a penal or criminal punishment and

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

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1 shall not affect or impair the credibility as a witness or otherwise of
2 any person convicted thereof. This definition shall be retroactive and
3 shall apply to all acts and violations heretofore committed where such
4 acts and violations would, if committed subsequent to the taking effect
5 of this section, be included within the meaning of the term "traffic
6 infraction" as herein defined. Except in those portions of Suffolk coun-
7 ty for which a district court has been established, outside of cities
8 having a population in excess of two hundred thousand but less than two
9 hundred twenty thousand in which administrative tribunals have hereto-
10 fore been established and outside of cities having a population in
11 excess of one million in which administrative tribunals have heretofore
12 been established, courts and judicial officers heretofore having juris-
13 diction over such violations shall continue to do so and for such
14 purpose such violations shall be deemed misdemeanors and all provisions
15 of law relating to misdemeanors except as provided in section eighteen
16 hundred five of this chapter and except as herein otherwise expressly
17 provided shall apply except that no jury trial shall be allowed for
18 traffic infractions. In those portions of Suffolk county for which a
19 district court has been established, and in cities having a population
20 in excess of two hundred thousand but less than two hundred twenty thou-
21 sand in which administrative tribunals have heretofore been established
22 and in cities having a population in excess of one million in which
23 administrative tribunals have heretofore been established, the criminal
24 courts of such cities or portions of Suffolk county in which a district
25 court has been established shall have jurisdiction to hear and determine
26 any complaint alleging a violation constituting a traffic infraction,
27 except that administrative tribunals heretofore established in such
28 cities or portions of Suffolk county in which a district court has been
29 established shall have jurisdiction to hear and determine any charge of
30 an offense which is a traffic infraction, except parking, standing or
31 stopping. In cities having a population in excess of two hundred thou-
32 sand in which administrative tribunals have heretofore been established,
33 and any such administrative tribunal established by the city of Yonkers,
34 the city of Peekskill, or the city of Syracuse, such tribunals shall
35 have jurisdiction to hear and determine any charge of an offense which
36 is a parking, standing or stopping violation. Any fine imposed by an
37 administrative tribunal shall be a civil penalty. For purposes of arrest
38 without a warrant, pursuant to article one hundred forty of the criminal
39 procedure law, a traffic infraction shall be deemed an offense.

40 S 3. This act shall take effect on the thirtieth day after it shall
41 have become a law.