STATE OF NEW YORK

2431--A

Cal. No. 189

2017-2018 Regular Sessions

IN ASSEMBLY

January 20, 2017

Introduced by M. of A. ENGLEBRIGHT, ABBATE, ABINANTI -- Multi-Sponsored by -- M. of A. COLTON -- read once and referred to the Committee on Transportation -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new section 1686 to read as follows:

§ 1686. Work zone signs. Any sign or signs placed for highway work zone traffic control, including, but not limited to, those placed in highway construction or maintenance work areas, or on restricted highways, shall be promptly covered or removed whenever such sign or signs are not applicable, as determined by the state or local authority having jurisdiction thereon. For the purposes of this subdivision, the term "restricted highway" shall mean a highway designated as such pursuant to section one hundred four-a of the highway law.

§ 2. Section 155 of the vehicle and traffic law, as amended by section 1 of part CC of chapter 58 of the laws of 2015, is amended to read as follows:

§ 155. Traffic infraction. The violation of any provision of this chapter, except articles forty-seven and forty-eight **and section sixteen hundred eighty-six of this chapter**, or of any law, ordinance, order, rule or regulation regulating traffic which is not declared by this chapter or other law of this state to be a misdemeanor or a felony. A traffic infraction is not a crime and the punishment imposed therefor shall not be deemed for any purpose a penal or criminal punishment and shall not affect or impair the credibility as a witness or otherwise of any person convicted thereof. This definition shall be retroactive and

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

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shall apply to all acts and violations heretofore committed where such acts and violations would, if committed subsequent to the taking effect of this section, be included within the meaning of the term "traffic infraction" as herein defined. Except in those portions of Suffolk county for which a district court has been established, outside of cities having a population in excess of two hundred thousand but less than two hundred twenty thousand in which administrative tribunals have heretofore been established and outside of cities having a population in excess of one million in which administrative tribunals have heretofore been established, courts and judicial officers heretofore having jurisdiction over such violations shall continue to do so and for such purpose such violations shall be deemed misdemeanors and all provisions of law relating to misdemeanors except as provided in section eighteen hundred five of this chapter and except as herein otherwise expressly provided shall apply except that no jury trial shall be allowed for traffic infractions. In those portions of Suffolk county for which a district court has been established, and in cities having a population in excess of two hundred thousand but less than two hundred twenty thousand in which administrative tribunals have heretofore been established and in cities having a population in excess of one million in which administrative tribunals have heretofore been established, the criminal courts of such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any complaint alleging a violation constituting a traffic infraction, except that administrative tribunals heretofore established in such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any charge of an offense which is a traffic infraction, except parking, standing or stopping. In cities having a population in excess of two hundred thousand in which administrative tribunals have heretofore been established, and any such administrative tribunal established by the city of Yonkers, the city of Peekskill, or the city of Syracuse, such tribunals shall have jurisdiction to hear and determine any charge of an offense which is a parking, standing or stopping violation. Any fine imposed by an administrative tribunal shall be a civil penalty. For purposes of arrest without a warrant, pursuant to article one hundred forty of the criminal procedure law, a traffic infraction shall be deemed an offense.

§ 3. Section 155 of the vehicle and traffic law, as amended by chapter 157 of the laws of 2017, is amended to read as follows:

§ 155. Traffic infraction. The violation of any provision of this chapter, except articles forty-seven and forty-eight **and section sixteen hundred eighty-six of this chapter**, or of any law, ordinance, order, rule or regulation regulating traffic which is not declared by this chapter or other law of this state to be a misdemeanor or a felony. A traffic infraction is not a crime and the punishment imposed therefor shall not be deemed for any purpose a penal or criminal punishment and shall not affect or impair the credibility as a witness or otherwise of any person convicted thereof. This definition shall be retroactive and shall apply to all acts and violations heretofore committed where such acts and violations would, if committed subsequent to the taking effect of this section, be included within the meaning of the term "traffic infraction" as herein defined. Except in those portions of Suffolk county for which a district court has been established, outside of cities having a population in excess of one million in which administrative tribunals have heretofore been established, courts and judicial officers heretofore having jurisdiction over such violations shall continue to do

so and for such purpose such violations shall be deemed misdemeanors and all provisions of law relating to misdemeanors except as provided in section eighteen hundred five of this chapter and except as herein otherwise expressly provided shall apply except that no jury trial shall be allowed for traffic infractions. In those portions of Suffolk county for which a district court has been established and in cities having a population in excess of one million in which administrative tribunals have heretofore been established, the criminal courts of such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any complaint alleging a violation constituting a traffic infraction, except that administrative tribunals heretofore established in such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any charge of an offense which is a traffic infraction, except parking, standing or stopping. In cities having a population in excess of two hundred thousand in which administrative tribunals have heretofore been established, and any such administrative tribunal established by the city of Yonkers, the city of Peekskill, or the city of Syracuse, such tribunals shall have jurisdiction to hear and determine any charge of an offense which is a parking, standing or stopping violation. Any fine imposed by an administrative tribunal shall be a civil penalty. For purposes of arrest without a warrant, pursuant to article one hundred forty of the criminal procedure law, a traffic infraction shall be deemed an offense.

§ 4. This act shall take effect on the thirtieth day after it shall have become a law; provided that section three of this act shall take effect on the same date and in the same manner as chapter 157 of the laws of 2017, takes effect.