STATE OF NEW YORK

258

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sens. ORTT, FUNKE, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the vehicle and traffic law, in relation to safety in active work zones

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The penal law is amended by adding four new sections 2 120.65, 120.66, 125.65 and 125.70 to read as follows:

§ 120.65 Vehicular assault in an active work zone in the second degree.
 A person is guilty of vehicular assault in an active work zone in
 the second degree when, with criminal negligence, he or she:

a. enters or intrudes into an active work zone while operating a motor
 7 vehicle; and

8 b. such entry or intrusion causes serious physical injury to another 9 person.

10 2. For purposes of this section the term "active work zone" shall mean 11 the physical area on a public highway, street or private road where 12 construction, maintenance or utility work is being conducted, which area 13 is properly designated to be an active work zone by signs, cones and/or 14 other traffic control devices and where workers are physically present. 15 Vehicular assault in an active work zone in the second degree is a

16 class E felony.

17 § 120.66 Vehicular assault in an active work zone in the first degree.

18 <u>1. A person is guilty of vehicular assault in an active work zone in</u> 19 <u>the first degree when he or she recklessly:</u>

20 <u>a. enters or intrudes into an active work zone while operating a motor</u> 21 <u>vehicle; and</u>

22 b. such entry or intrusion causes serious physical injury to another
 23 person.

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

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1	2. For purposes of this section the term "active work zone" shall mean
2	the physical area on a public highway, street or private road where
3	construction, maintenance or utility work is being conducted, which area
4	is properly designated to be an active work zone by signs, cones and/or
5	other traffic control devices and where workers are physically present.
6	Vehicular assault in an active work zone in the first degree is a
7	class D felony.
8	§ 125.65 Vehicular manslaughter in an active work zone in the second
9	degree.
10	1. A person is guilty of vehicular manslaughter in an active work zone
11	in the second degree when, with criminal negligence, he or she:
12	(a) enters or intrudes into an active work zone while operating a
13	motor vehicle; and
14	(b) such entry or intrusion causes the death of another person.
15	2. For purposes of this section the term "active work zone" shall mean
16	the physical area on a public highway, street or private road where
17	construction, maintenance or utility work is being conducted, which area
18	is properly designated to be an active work zone by signs, cones and/or
19	other traffic control devices and where workers are physically present.
20	Vehicular manslaughter in an active work zone in the second degree is
21	a class C felony.
22	§ 125.70 Vehicular manslaughter in an active work zone in the first
23	degree.
24	1. A person is guilty of vehicular manslaughter in an active work zone
25	in the first degree when he or she recklessly:
26	(a) enters or intrudes into an active work zone while operating a
27	motor vehicle; and
28	(b) such entry or intrusion causes the death of another person.
28 29	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean
28 29 30	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where
28 29 30 31	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area
28 29 30 31 32	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or
28 29 30 31 32 33	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present.
28 29 30 31 32 33 34	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a
28 29 30 31 32 33 34 35	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony.
28 29 30 31 32 33 34 35 36	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section
28 29 30 31 32 33 34 35 36 37	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows:
28 29 30 31 32 33 34 35 36 37 38	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows: § 1221-a. Intrusion into an active work zone. 1. No driver of a vehi-
28 29 30 31 32 33 34 35 36 37 38 39	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows: § 1221-a. Intrusion into an active work zone. 1. No driver of a vehicle, operator of a bicycle or pedestrian shall enter or intrude into an
28 29 30 31 32 33 34 35 36 37 38 39 40	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows: § 1221-a. Intrusion into an active work zone. 1. No driver of a vehicle, operator of a bicycle or pedestrian shall enter or intrude into an active work zone, except upon direction from a flag person, police offi-
28 29 30 31 32 33 34 35 36 37 38 39 40 41	 (b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows: § 1221-a. Intrusion into an active work zone. 1. No driver of a vehi- cle, operator of a bicycle or pedestrian shall enter or intrude into an active work zone, except upon direction from a flag person, police offi- cer or other designated person in charge of traffic control or direction
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28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43	 (b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows: § 1221-a. Intrusion into an active work zone. 1. No driver of a vehi- cle, operator of a bicycle or pedestrian shall enter or intrude into an active work zone, except upon direction from a flag person, police offi- cer or other designated person in charge of traffic control or direction from a traffic control device regulating entry therein. For purposes of this section, the term "active work zone" shall mean the physical area
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28 29 30 31 32 33 35 37 38 30 41 42 43 44 45 46 47	 (b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows: § 1221-a. Intrusion into an active work zone. 1. No driver of a vehi- cle, operator of a bicycle or pedestrian shall enter or intrude into an active work zone, except upon direction from a flag person, police offi- cer or other designated person in charge of traffic control or direction from a traffic control device regulating entry therein. For purposes of this section, the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, mainte- nance or utility work is being conducted, which area is properly desig- nated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present.
28 29 30 31 32 33 35 36 37 39 40 42 43 44 5 46 47 48	 (b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows: § 1221-a. Intrusion into an active work zone. 1. No driver of a vehicle, operator of a bicycle or pedestrian shall enter or intrude into an active work zone, except upon direction from a flag person, police officer or other designated person in charge of traffic control or direction from a traffic control device regulating entry therein. For purposes of this section, the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone shall mean the physical area?
28 29 30 31 32 33 35 37 39 40 42 43 445 467 48 49	 (b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows: § 1221-a. Intrusion into an active work zone. 1. No driver of a vehicle, operator of a bicycle or pedestrian shall enter or intrude into an active work zone, police officer or other designated person in charge of traffic control or direction from a traffic control device regulating entry therein. For purposes of this section, the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone and/or other traffic control devices are physically present. 2. A violation of subdivision one of this section shall constitute a class B misdemeanor punishable by a fine of not less than two hundred
28 29 31 32 33 35 37 39 41 42 44 45 47 49 50	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows: § 1221-a. Intrusion into an active work zone. 1. No driver of a vehicle, operator of a bicycle or pedestrian shall enter or intrude into an active work zone, except upon direction from a flag person, police officer or other designated person in charge of traffic control or direction from a traffic control device regulating entry therein. For purposes of this section, the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where work zone shall constitute a class B misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than five hundred dollars, or by a period of
28 30 32 33 34 35 37 39 41 42 44 45 50 51	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows: § 1221-a. Intrusion into an active work zone. 1. No driver of a vehicle, operator of a bicycle or pedestrian shall enter or intrude into an active work zone, except upon direction from a flag person, police officer or other designated person in charge of traffic control or direction from a traffic control device regulating entry therein. For purposes of this section, the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. 2. A violation of subdivision one of this section shall constitute a class B misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than five hundred dollars, or by a period of imprisonment not to exceed three months, or by both such fine and impri-
28 29 31 32 33 35 37 39 41 42 44 45 47 49 50	(b) such entry or intrusion causes the death of another person. 2. For purposes of this section the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where workers are physically present. Vehicular manslaughter in an active work zone in the first degree is a class B felony. § 2. The vehicle and traffic law is amended by adding a new section 1221-a to read as follows: § 1221-a. Intrusion into an active work zone. 1. No driver of a vehicle, operator of a bicycle or pedestrian shall enter or intrude into an active work zone, except upon direction from a flag person, police officer or other designated person in charge of traffic control or direction from a traffic control device regulating entry therein. For purposes of this section, the term "active work zone" shall mean the physical area on a public highway, street or private road where construction, maintenance or utility work is being conducted, which area is properly designated to be an active work zone by signs, cones and/or other traffic control devices and where work zone shall constitute a class B misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than five hundred dollars, or by a period of

54 ing the date on which it shall have become a law.