

# STATE OF NEW YORK

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5897

2017-2018 Regular Sessions

## IN SENATE

May 5, 2017

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Introduced by Sen. RITCHIE -- 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 increasing and modifying the penalties associated with passing a stopped school bus by certain vehicles

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

1 Section 1. Subdivision (c) of section 1174 of the vehicle and traffic  
2 law, as amended by chapter 254 of the laws of 2002, is amended to read  
3 as follows:

4 (c) Every person convicted of a violation of subdivision (a) of this  
5 section shall: for a first conviction thereof, be punished by a fine of  
6 not less than two hundred fifty dollars nor more than four hundred  
7 dollars or by imprisonment for not more than thirty days or by both such  
8 fine and imprisonment; for a conviction of a second violation, both of  
9 which were committed within a period of three years, such person shall  
10 be punished by a fine of not less than six hundred dollars nor more than  
11 seven hundred fifty dollars or by imprisonment for not more than one  
12 hundred eighty days or by both such fine and imprisonment; upon a  
13 conviction of a third or subsequent violation, all of which were committed within a period of three years, such person shall be punished by a  
14 fine of not less than seven hundred fifty dollars nor more than one  
15 thousand dollars or by imprisonment for not more than one hundred eighty  
16 days or by both such fine and imprisonment. The prescribed minimum and  
17 maximum values for fines under this subdivision shall be doubled if the  
18 offense was committed while driving a motor vehicle or combination of  
19 vehicles designed or used to transport property or passengers:

- 20 1. which has a GVWR of more than twenty-six thousand pounds;  
21 2. which has a GCWR of more than twenty-six thousand pounds, including  
22 any towed unit with a GVWR of more than ten thousand pounds;  
23 3. totaling at least fifteen individuals, in addition to the driver;  
24

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

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1     4. defined as a bus in subdivision one of section five hundred nine-a  
2 of this chapter; or

3     5. of any size, other than a farm vehicle operated within one hundred  
4 fifty miles of the operator's farm, used in the transportation of mate-  
5 rials found by the United States secretary of transportation to be  
6 hazardous under the hazardous materials transportation act and which  
7 requires the motor vehicle transporting such materials to be placarded  
8 under the hazardous materials regulation, 49 CFR part 172, subpart F or  
9 is transporting any quantity of a material listed as a select agent or  
10 toxin in 42 CFR part 73.

11     § 2. This act shall take effect on the ninetieth day after it shall  
12 have become a law; provided, however, that effective immediately, the  
13 addition, amendment and/or repeal of any rule or regulation necessary  
14 for the implementation of this act on its effective date are authorized  
15 to be made and completed on or before such effective date.