STATE OF NEW YORK

8623

2017-2018 Regular Sessions

IN ASSEMBLY

September 1, 2017

Introduced by M. of A. FAHY -- read once and referred 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:

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

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

1. which has a GVWR of more than twenty-six thousand pounds;

2. which has a GCWR of more than twenty-six thousand pounds, including any towed unit with a GVWR of more than ten thousand pounds;

3. totaling at least fifteen individuals, in addition to the driver;

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

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

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

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