STATE OF NEW YORK

5404

2017-2018 Regular Sessions

IN SENATE

March 24, 2017

Introduced by Sen. ROBACH -- (at request of the Department of Environmental Conservation) -- 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 certain speed limits and certain driving under the influence charges

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

Section 1. Subdivision 7 of section 1192 of the vehicle and traffic law, as added by chapter 47 of the laws of 1988 and as renumbered by chapter 173 of the laws of 1990, is amended to read as follows:

7. Where applicable. The provisions of this section shall apply upon public highways, private roads open to [~~motor vehicle traffic~~] **public use** and any other parking lot. For the purposes of this section "parking lot" shall mean any area or areas of private property, including a driveway, near or contiguous to and provided in connection with premises and used as a means of access to and egress from a public highway to such premises and having a capacity for the parking of four or more motor vehicles. The provisions of this section shall not apply to any area or areas of private property comprising all or part of property on which is situated a one or two family residence**, unless open to public use**.

§ 2. Subdivision 5 of section 1630 of the vehicle and traffic law, as amended by chapter 563 of the laws of 2002 is amended to read as follows:

5. Establishment of maximum and minimum speed limits at which vehicles may proceed on or along such highways. No such maximum speed limit shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway, and except that, with respect to bridge

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

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and elevated structures that are a part of any such highway, a lower maximum speed limit may be established if it is determined that such lower maximum speed limit is the maximum speed limit which may be maintained without structural damage to such bridge or structure, and except that, with respect to any highway under the jurisdiction of the office of parks, recreation and historic preservation, other than a parkway as defined in subdivision seventeen of section 1.03 of the parks, recreation and historic preservation law, the department of agriculture and markets**, the department of environmental conservation** or the industrial exhibit authority, a maximum speed limit of not less than ten miles per hour may be established on any portion thereof, if it is determined that such lower maximum speed limit is necessary to assure the safety of the public, and except that, with respect to any highway having toll plazas, a maximum speed limit of not less than five miles per hour may be established for passage through such toll plazas.

§ 3. This act shall take effect immediately.