

STATE OF NEW YORK

7537

IN SENATE

January 22, 2018

Introduced by Sen. ORTT -- 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 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:

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

3 § 1686. Work zone signs. Any sign or signs placed for highway work
4 zone traffic control, including, but not limited to, those placed in
5 highway construction or maintenance work areas, or on restricted high-
6 ways, shall be promptly covered or removed whenever such sign or signs
7 are not applicable, as determined by the state or local authority having
8 jurisdiction thereon. For the purposes of this subdivision, the term
9 "restricted highway" shall mean a highway designated as such pursuant to
10 section one hundred four-a of the highway law.

11 § 2. Section 155 of the vehicle and traffic law, as amended by section
12 1 of part CC of chapter 58 of the laws of 2015, is amended to read as
13 follows:

14 § 155. Traffic infraction. The violation of any provision of this
15 chapter, except articles forty-seven and forty-eight and section sixteen
16 hundred eighty-six of this chapter, or of any law, ordinance, order,
17 rule or regulation regulating traffic which is not declared by this
18 chapter or other law of this state to be a misdemeanor or a felony. A
19 traffic infraction is not a crime and the punishment imposed therefor
20 shall not be deemed for any purpose a penal or criminal punishment and
21 shall not affect or impair the credibility as a witness or otherwise of
22 any person convicted thereof. This definition shall be retroactive and
23 shall apply to all acts and violations heretofore committed where such
24 acts and violations would, if committed subsequent to the taking effect
25 of this section, be included within the meaning of the term "traffic
26 infraction" as herein defined. Except in those portions of Suffolk coun-
27 ty for which a district court has been established, outside of cities

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

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1 having a population in excess of two hundred thousand but less than two
2 hundred twenty thousand in which administrative tribunals have hereto-
3 fore been established and outside of cities having a population in
4 excess of one million in which administrative tribunals have heretofore
5 been established, courts and judicial officers heretofore having juris-
6 diction over such violations shall continue to do so and for such
7 purpose such violations shall be deemed misdemeanors and all provisions
8 of law relating to misdemeanors except as provided in section eighteen
9 hundred five of this chapter and except as herein otherwise expressly
10 provided shall apply except that no jury trial shall be allowed for
11 traffic infractions. In those portions of Suffolk county for which a
12 district court has been established, and in cities having a population
13 in excess of two hundred thousand but less than two hundred twenty thou-
14 sand in which administrative tribunals have heretofore been established
15 and in cities having a population in excess of one million in which
16 administrative tribunals have heretofore been established, the criminal
17 courts of such cities or portions of Suffolk county in which a district
18 court has been established shall have jurisdiction to hear and determine
19 any complaint alleging a violation constituting a traffic infraction,
20 except that administrative tribunals heretofore established in such
21 cities or portions of Suffolk county in which a district court has been
22 established shall have jurisdiction to hear and determine any charge of
23 an offense which is a traffic infraction, except parking, standing or
24 stopping. In cities having a population in excess of two hundred thou-
25 sand in which administrative tribunals have heretofore been established,
26 and any such administrative tribunal established by the city of Yonkers,
27 the city of Peekskill, or the city of Syracuse, such tribunals shall
28 have jurisdiction to hear and determine any charge of an offense which
29 is a parking, standing or stopping violation. Any fine imposed by an
30 administrative tribunal shall be a civil penalty. For purposes of arrest
31 without a warrant, pursuant to article one hundred forty of the criminal
32 procedure law, a traffic infraction shall be deemed an offense.

33 § 3. Section 155 of the vehicle and traffic law, as amended by chapter
34 157 of the laws of 2017, is amended to read as follows:

35 § 155. Traffic infraction. The violation of any provision of this
36 chapter, except articles forty-seven and forty-eight and section sixteen
37 hundred eighty-six of this chapter, or of any law, ordinance, order,
38 rule or regulation regulating traffic which is not declared by this
39 chapter or other law of this state to be a misdemeanor or a felony. A
40 traffic infraction is not a crime and the punishment imposed therefor
41 shall not be deemed for any purpose a penal or criminal punishment and
42 shall not affect or impair the credibility as a witness or otherwise of
43 any person convicted thereof. This definition shall be retroactive and
44 shall apply to all acts and violations heretofore committed where such
45 acts and violations would, if committed subsequent to the taking effect
46 of this section, be included within the meaning of the term "traffic
47 infraction" as herein defined. Except in those portions of Suffolk coun-
48 ty for which a district court has been established, outside of cities
49 having a population in excess of one million in which administrative
50 tribunals have heretofore been established, courts and judicial officers
51 heretofore having jurisdiction over such violations shall continue to do
52 so and for such purpose such violations shall be deemed misdemeanors and
53 all provisions of law relating to misdemeanors except as provided in
54 section eighteen hundred five of this chapter and except as herein
55 otherwise expressly provided shall apply except that no jury trial shall
56 be allowed for traffic infractions. In those portions of Suffolk county

1 for which a district court has been established and in cities having a
2 population in excess of one million in which administrative tribunals
3 have heretofore been established, the criminal courts of such cities or
4 portions of Suffolk county in which a district court has been estab-
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6 alleging a violation constituting a traffic infraction, except that
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12 which administrative tribunals have heretofore been established, and any
13 such administrative tribunal established by the city of Yonkers, the
14 city of Peekskill, or the city of Syracuse, such tribunals shall have
15 jurisdiction to hear and determine any charge of an offense which is a
16 parking, standing or stopping violation. Any fine imposed by an adminis-
17 trative tribunal shall be a civil penalty. For purposes of arrest with-
18 out a warrant, pursuant to article one hundred forty of the criminal
19 procedure law, a traffic infraction shall be deemed an offense.

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