

STATE OF NEW YORK

3122

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. ENGLEBRIGHT, ABBATE, ABINANTI -- read once and referred 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 chapter
12 157 of the laws of 2017, is amended to read as follows:

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

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

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1 infraction" as herein defined. Except in those portions of Suffolk coun-
2 ty for which a district court has been established, outside of cities
3 having a population in excess of one million in which administrative
4 tribunals have heretofore been established, courts and judicial officers
5 heretofore having jurisdiction over such violations shall continue to do
6 so and for such purpose such violations shall be deemed misdemeanors and
7 all provisions of law relating to misdemeanors except as provided in
8 section eighteen hundred five of this chapter and except as herein
9 otherwise expressly provided shall apply except that no jury trial shall
10 be allowed for traffic infractions. In those portions of Suffolk county
11 for which a district court has been established and in cities having a
12 population in excess of one million in which administrative tribunals
13 have heretofore been established, the criminal courts of such cities or
14 portions of Suffolk county in which a district court has been estab-
15 lished shall have jurisdiction to hear and determine any complaint
16 alleging a violation constituting a traffic infraction, except that
17 administrative tribunals heretofore established in such cities or
18 portions of Suffolk county in which a district court has been estab-
19 lished shall have jurisdiction to hear and determine any charge of an
20 offense which is a traffic infraction, except parking, standing or stop-
21 ping. In cities having a population in excess of two hundred thousand in
22 which administrative tribunals have heretofore been established, and any
23 such administrative tribunal established by the city of Yonkers, the
24 city of Peekskill, or the city of Syracuse, such tribunals shall have
25 jurisdiction to hear and determine any charge of an offense which is a
26 parking, standing or stopping violation. Any fine imposed by an adminis-
27 trative tribunal shall be a civil penalty. For purposes of arrest with-
28 out a warrant, pursuant to article one hundred forty of the criminal
29 procedure law, a traffic infraction shall be deemed an offense.

30 § 3. This act shall take effect on the thirtieth day after it shall
31 have become a law.