STATE OF NEW YORK

3625--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. GUNTHER, MONTESANO -- Multi-Sponsored by -- M. of A. RIVERA -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to prohibiting the use of any device which affects the operation of a traffic-control signal

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

Section 1. The vehicle and traffic law is amended by adding a new section 154-a to read as follows:

§ 154-a. Traffic-control signal preemption device. Any device designed or used to change or attempt to change the signal indications of a traffic-control signal or traffic-control device. This shall include, but not be limited to, a mobile infrared transmitter or other device that is capable of sending a signal that interrupts or changes the sequence patterns of an official traffic-control device or traffic-control signal.

§ 2. The vehicle and traffic law is amended by adding a new section 397-c to read as follows:

§ 397-c. Unauthorized sale, purchase, or use of traffic-control signal preemption device.

1. No person shall buy, possess, manufacture, install, sell, offer for sale, or otherwise distribute a traffic-control signal preemption device, unless the purchase, possession, manufacture, installation, sale, offer for sale, or distribution is for use of the device by an authorized emergency vehicle or public transportation vehicle.

2. (a) Excluding an authorized emergency vehicle or authorized public transportation vehicle operating within the scope of his or her official duties, no person shall operate any motor vehicle which he or she knows is equipped with a traffic-control signal preemption device. The pres-

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

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ence in a motor vehicle of a traffic-control signal preemption device connected to a power source and in an operable condition is presumptive evidence of the operator's knowledge of the device. Such presumption shall be rebutted by any credible and reliable evidence which tends to show that the operator of the motor vehicle was not aware of the presence of such device. The definition of an "authorized public transportation vehicle" shall include, but not be limited to, public transportation authorized under titles eleven, eleven-A, eleven-B, eleven-C, and eleven-D of article five of the public authorities law or public transportation authorized under chapter one hundred fifty-four of the laws of of nineteen hundred twenty-one relating to the port authority of New York and New Jersey.

(b) The provisions of this section shall not apply to any person using such a device while engaged in the authorized maintenance or repair of a traffic-control signal.

(c) Authorized emergency vehicle personnel shall only operate a traffic-control signal preemption device in the course of an emergency operation.

3. (a) Unauthorized manufacture, installation, sale, offer for sale, or distribution of a traffic-control signal preemption device in violation of subdivision one of this section shall be a class A misdemeanor, punishable by a fine of five thousand dollars for each device manufactured, installed, sold, offered for sale, or distributed.

(b) Unauthorized purchase or possession of a traffic-control signal preeemption device in violation of subdivision one or two of this section shall constitute a traffic infraction punishable by a fine of not less than one hundred dollars nor more than three hundred dollars.

(c) A violation of paragraph (a) of subdivision two of this section while using a traffic-control signal preemption device to change or attempt to change the signal indications of a traffic-control signal or traffic-control device shall constitute a class A misdemeanor.

(d) If a serious physical injury or death, as defined by article ten of the penal law, occurs as a result of a violation of paragraph (a) of subdivision two of this section while using a traffic-control signal preemption device to affect the operation of a traffic-control signal or traffic-control device, such violation shall constitute a class E felony.

(e) Nothing in this section shall be deemed to supersede the provisions of any other applicable section of law.

§ 3. Subdivision (b) of section 1115 of the vehicle and traffic law, as amended by chapter 251 of the laws of 2016, is amended and a new subdivision (d) is added to read as follows:

(b) For the purposes of this section the following terms shall have the following meanings:

1. to "deface" shall include, but not be limited to, to damage, destroy, disfigure, erase, ruin, distort, spoil or otherwise change the external appearance of an object by the use of chalk, crayon, paint, stain, ink or other similar material.

2. to "alter" a traffic-control signal shall include, but not be limited to, changing or attempting to change the signal indications of a traffic-control signal by use of a traffic-control signal preemption device.

[~~3. "traffic-control signal preemption device" shall mean any device designed or used to change or attempt to change the signal indications of a traffic-control signal.~~]

(d) A violation of this section shall be subject to penalties in accordance with paragraphs (b), (c) and (d) of subdivision three of section three hundred ninety-seven-c of this chapter.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law. 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 and directed to be made and completed on or before such effective date.