10080

IN ASSEMBLY

March 6, 2020

Introduced by M. of A. TAGUE -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing the penalty for certain traffic violations when such violations arise out of the same incident as a conviction for failure to move over and when such violations occurred in a work zone

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

Section 1. Subdivision 4 of section 1225-c of the vehicle and traffic 1 2 law, as amended by section 6 of part B of chapter 55 of the laws of 3 2014, is amended to read as follows:

4 4. (a) A violation of subdivision two of this section shall be a traf-5 fic infraction and shall be punishable by a fine of not less than fifty dollars nor more than two hundred dollars upon conviction of a first б 7 violation; upon conviction of a second violation, both of which were 8 committed within a period of eighteen months, such violation shall be 9 punished by a fine of not less than fifty dollars nor more than two 10 hundred fifty dollars; upon conviction of a third or subsequent violation, all of which were committed within a period of eighteen 11 12 months, such violation shall be punished by a fine of not less than 13 fifty dollars nor more than four hundred fifty dollars.

14 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-15 sion a violation of subdivision two of this section arising out of the same incident as a conviction for a violation of section eleven hundred 16 forty-four-a of this title shall be a traffic infraction and shall be 17 punishable by a fine of not less than one hundred dollars nor more than 18 four hundred dollars upon conviction of a first violation; upon 19 20 conviction of a second violation, both of which were committed within a 21 period of eighteen months, such violation shall be punished by a fine of 22 not less than one hundred dollars nor more than five hundred dollars; upon conviction of a third or subsequent violation, all of which were 23 24 committed within a period of eighteen months, such violation shall be 25 punished by a fine of not less than one hundred dollars nor more than

26 nine hundred dollars.

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

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1 (c) Notwithstanding the provisions of paragraph (a) of this subdivision a violation of subdivision two of this section which occurred in a 2 3 highway construction or maintenance work area shall be a traffic infrac-4 tion and shall be punishable by a fine of not less than one hundred 5 dollars nor more than four hundred dollars upon conviction of a first б violation; upon conviction of a second violation, both of which were committed within a period of eighteen months, such violation shall be 7 8 punished by a fine of not less than one hundred dollars nor more than 9 five hundred dollars; upon conviction of a third or subsequent 10 violation, all of which were committed within a period of eighteen 11 months, such violation shall be punished by a fine of not less than one hundred dollars nor more than nine hundred dollars. 12 13 § 2. Subdivision 6 of section 1225-d of the vehicle and traffic law, 14 as amended by section 7 of part B of chapter 55 of the laws of 2014, is 15 amended to read as follows: 16 6. (a) A violation of this section shall be a traffic infraction and 17 shall be punishable by a fine of not less than fifty dollars nor more than two hundred dollars upon conviction of a first violation; upon 18 conviction of a second violation, both of which were committed within a 19 20 period of eighteen months, such violation shall be punished by a fine of 21 not less than fifty dollars nor more than two hundred fifty dollars; upon conviction of a third or subsequent violation, all of which were 22 committed within a period of eighteen months, such violation shall be 23 punished by a fine of not less than fifty dollars nor more than four 24 25 hundred fifty dollars. 26 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-27 sion a violation of this section arising out of the same incident as a conviction for a violation of section eleven hundred forty-four-a of 28 29 this title shall be a traffic infraction and shall be punishable by a 30 fine of not less than one hundred dollars nor more than four hundred 31 dollars upon conviction of a first violation; upon conviction of a 32 second violation, both of which were committed within a period of eigh-33 teen months, such violation shall be punished by a fine of not less than 34 one hundred dollars nor more than five hundred dollars; upon conviction 35 of a third or subsequent violation, all of which were committed within a 36 period of eighteen months, such violation shall be punished by a fine of 37 not less than one hundred dollars nor more than nine hundred dollars. 38 (c) Notwithstanding the provisions of paragraph (a) of this subdivi-39 sion a violation of subdivision two of this section which occurred in a highway construction or maintenance work area shall be a traffic infrac-40 41 tion and shall be punishable by a fine of not less than one hundred 42 dollars nor more than four hundred dollars upon conviction of a first 43 violation; upon conviction of a second violation, both of which were 44 committed within a period of eighteen months, such violation shall be 45 punished by a fine of not less than one hundred dollars nor more than 46 five hundred dollars; upon conviction of a third or subsequent 47 violation, all of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than one 48 49 hundred dollars nor more than nine hundred dollars. 50 § 3. This act shall take effect on the ninetieth day after it shall

51 have become a law.