

# STATE OF NEW YORK

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:

1 Section 1. Subdivision 4 of section 1225-c of the vehicle and traffic  
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  
6 dollars nor more than two hundred dollars upon conviction of a first  
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  
11 violation, all of which were committed within a period of eighteen  
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  
16 same incident as a conviction for a violation of section eleven hundred  
17 forty-four-a of this title shall be a traffic infraction and shall be  
18 punishable by a fine of not less than one hundred dollars nor more than  
19 four hundred dollars upon conviction of a first violation; upon  
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;  
23 upon conviction of a third or subsequent violation, all of which were  
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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(c) Notwithstanding the provisions of paragraph (a) of this subdivision a violation of subdivision two of this section which occurred in a highway construction or maintenance work area shall be a traffic infraction and shall be punishable by a fine of not less than one hundred dollars nor more than four hundred dollars upon conviction of a first violation; upon conviction of a second violation, both of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars; upon conviction of a third or subsequent 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 hundred dollars nor more than nine hundred dollars.

§ 2. Subdivision 6 of section 1225-d of the vehicle and traffic law, as amended by section 7 of part B of chapter 55 of the laws of 2014, is amended to read as follows:

6. (a) A violation of this section shall be a traffic 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 violation; upon conviction of a second violation, both of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than fifty dollars nor more than two hundred fifty dollars; upon conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than fifty dollars nor more than four hundred fifty dollars.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision 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 this title shall be a traffic infraction and shall be punishable by a fine of not less than one hundred dollars nor more than four hundred dollars upon conviction of a first violation; upon conviction of a second violation, both of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars; upon conviction of a third or subsequent 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 hundred dollars nor more than nine hundred dollars.

(c) Notwithstanding the provisions of paragraph (a) of this subdivision a violation of subdivision two of this section which occurred in a highway construction or maintenance work area shall be a traffic infraction and shall be punishable by a fine of not less than one hundred dollars nor more than four hundred dollars upon conviction of a first violation; upon conviction of a second violation, both of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars; upon conviction of a third or subsequent 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 hundred dollars nor more than nine hundred dollars.

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