

# STATE OF NEW YORK

8980

## IN SENATE

September 16, 2020

Introduced by Sens. HOYLMAN, JACKSON, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to enacting the "FURIOUS Act"

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

1 Section 1. This act shall be known and may be cited as the "Fighting  
2 Underground Racing In Our Streets Act" or "The FURIOUS Act."

3 § 2. Paragraph 1 of subdivision (a) of section 1180-b of the vehicle  
4 and traffic law, as amended by chapter 30 of the laws of 2019, is  
5 amended and a new paragraph 1-a is added to read as follows:

6 1. Notwithstanding any other provision of law, the city of New York is  
7 hereby authorized to establish a demonstration program imposing monetary  
8 liability on the owner of a vehicle for failure of an operator thereof  
9 to comply with posted maximum speed limits in a school speed zone within  
10 such city (i) when a school speed limit is in effect as provided in  
11 paragraphs one and two of subdivision (c) of section eleven hundred  
12 eighty of this article or (ii) when other speed limits are in effect as  
13 provided in subdivision (b), (d), (f) or (g) of section eleven hundred  
14 eighty of this article weekdays between the hours of six o'clock A.M.  
15 and ten o'clock P.M., except as otherwise provided in paragraph one-a of  
16 this subdivision. Such demonstration program shall empower the city of  
17 New York to install photo speed violation monitoring systems within no  
18 more than seven hundred fifty school speed zones within such city at any  
19 one time and to operate such systems within such zones (iii) when a  
20 school speed limit is in effect as provided in paragraphs one and two of  
21 subdivision (c) of section eleven hundred eighty of this article or (iv)  
22 when other speed limits are in effect as provided in subdivision (b),  
23 (d), (f) or (g) of section eleven hundred eighty of this article week-  
24 days between the hours of six o'clock A.M. and ten o'clock P.M., except  
25 as otherwise provided in paragraph one-a of this subdivision. In select-  
26 ing a school speed zone in which to install and operate a photo speed  
27 violation monitoring system, the city of New York shall consider crite-  
28 ria including, but not limited to, the speed data, crash history, and

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

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1 the roadway geometry applicable to such school speed zone. Such city  
2 shall prioritize the placement of photo speed violation monitoring  
3 systems in school speed zones based upon speed data or the crash history  
4 of a school speed zone. A photo speed violation monitoring system shall  
5 not be installed or operated on a controlled-access highway exit ramp or  
6 within three hundred feet along a highway that continues from the end of  
7 a controlled-access highway exit ramp.

8 1-a. Notwithstanding any other provision of law, the city of New York  
9 is hereby authorized to operate photo speed violation monitoring systems  
10 at any time in a school speed zone which the city of New York has iden-  
11 tified as an area of special concern for illegal street racing based  
12 upon reports of the occurrence of speed contests and races, pursuant to  
13 section eleven hundred eighty-two of this article, within such school  
14 speed zone. The city of New York may only operate such systems pursuant  
15 to this paragraph upon a resolution in favor adopted by a majority of  
16 the members of the community board that represents the district in which  
17 such school speed zone is located, after such community board conducts a  
18 public hearing.

19 § 3. Subdivision 1 of section 1182 of the vehicle and traffic law, as  
20 amended by section 9 of part C of chapter 62 of the laws of 2003, is  
21 amended to read as follows:

22 1. Except as provided in section eleven hundred eighty-two-a of this  
23 article or section sixteen hundred thirty, sixteen hundred forty,  
24 sixteen hundred forty-two or sixteen hundred sixty of this chapter, no  
25 races, exhibitions or contests of speed shall be held and no person  
26 shall engage in or aid or abet in any motor vehicle or other speed  
27 contest or exhibition of speed on a highway. For the purposes of this  
28 section, a person shall be deemed to have held a race, exhibition or  
29 contest of speed if such person, while operating a vehicle at a speed  
30 that exceeds a posted maximum speed limit, (a) engages in conduct with  
31 another person involving a challenge coupled with a response in speed  
32 and relative position indicating acceptance of such challenge, regard-  
33 less of whether such person or persons intended to engage in such  
34 conduct before initiating or accepting such challenge or pre-planned a  
35 course or distance over which to engage in such conduct; or (b) races  
36 against a clock or other timing device. Such event, if held, shall be  
37 fully and efficiently patrolled for the entire distance over which such  
38 race, exhibition or contest for speed is to be held. Participants in a  
39 race, exhibition or contest of speed are exempted from compliance with  
40 any traffic laws otherwise applicable thereto, but shall exercise  
41 reasonable care. A violation of any of the provisions of this section  
42 shall constitute a misdemeanor and be punishable by imprisonment of not  
43 more than thirty days or a fine of not less than three hundred dollars  
44 nor more than five hundred twenty-five dollars, or both such fine and  
45 imprisonment.

46 § 4. This act shall take effect on the thirtieth day after it shall  
47 have become a law, provided, however, that the amendments to paragraph 1  
48 of subdivision (a) of section 1180-b of the vehicle and traffic law made  
49 by section two of this act shall not affect the repeal of such section  
50 and shall be deemed repealed therewith.