

STATE OF NEW YORK

6518

2021-2022 Regular Sessions

IN ASSEMBLY

March 19, 2021

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

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:

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

3 § 154-a. Traffic-control signal preemption device. Any device
4 designed or used to change or attempt to change the signal indications
5 of a traffic-control signal or traffic-control device. This shall
6 include, but not be limited to, a mobile infrared transmitter or other
7 device that is capable of sending a signal that interrupts or changes
8 the sequence patterns of an official traffic-control device or traffic-
9 control signal.

10 § 2. The vehicle and traffic law is amended by adding a new section
11 397-d to read as follows:

12 § 397-d. Unauthorized sale, purchase, or use of traffic-control signal
13 preemption device. 1. No person shall buy, possess, manufacture,
14 install, sell, offer for sale, or otherwise distribute a traffic-control
15 signal preemption device, unless the purchase, possession, manufacture,
16 installation, sale, offer for sale, or distribution is for use of the
17 device by an authorized emergency vehicle or public transportation vehi-
18 cle.

19 2. (a) Excluding an authorized emergency vehicle or authorized public
20 transportation vehicle operating within the scope of his or her official
21 duties, no person shall operate any motor vehicle which he or she knows
22 is equipped with a traffic-control signal preemption device. The pres-
23 ence in a motor vehicle of a traffic-control signal preemption device
24 connected to a power source and in an operable condition is presumptive

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

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1 evidence of the operator's knowledge of the device. Such presumption
2 shall be rebutted by any credible and reliable evidence which tends to
3 show that the operator of the motor vehicle was not aware of the pres-
4 ence of such device. The definition of an "authorized public transporta-
5 tion vehicle" shall include, but not be limited to, public transporta-
6 tion authorized under titles eleven, eleven-A, eleven-B, eleven-C, and
7 eleven-D of article five of the public authorities law or public trans-
8 portation authorized under chapter one hundred fifty-four of the laws of
9 of nineteen hundred twenty-one relating to the port authority of New
10 York and New Jersey.

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

14 (c) Authorized emergency vehicle personnel shall only operate a traff-
15 ic-control signal preemption device in the course of an emergency opera-
16 tion.

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

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

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

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

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

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

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

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

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

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

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

1 § 4. This act shall take effect on the one hundred eightieth day after
2 it shall have become a law. Effective immediately, the addition, amend-
3 ment and/or repeal of any rule or regulation necessary for the implemen-
4 tation of this act on its effective date are authorized to be made and
5 completed on or before such effective date.