STATE OF NEW YORK

77

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

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:

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

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

1. Notwithstanding any other provision of law, the city of New York is hereby authorized to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a school speed zone within such city (i) when a school speed limit is in effect as provided in paragraphs one and two of subdivision (c) of section eleven hundred eighty of this article or (ii) when other speed limits are in effect as provided in subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article weekdays between the hours of six o'clock A.M. and ten o'clock P.M.**, except as otherwise provided in paragraph one-a of this subdivision.** Such demonstration program shall empower the city of New York to install photo speed violation monitoring systems within no more than seven hundred fifty school speed zones within such city at any one time and to operate such systems within such zones (iii) when a school speed limit is in effect as provided in paragraphs one and two of subdivision (c) of section eleven hundred eighty of this article or (iv) when other speed limits are in effect as provided in subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article week-

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

LBD02342-01-1

days between the hours of six o'clock A.M. and ten o'clock P.M.**, except as otherwise provided in paragraph one-a of this subdivision.** In selecting a school speed zone in which to install and operate a photo speed violation monitoring system, the city of New York shall consider criteria including, but not limited to, the speed data, crash history, and the roadway geometry applicable to such school speed zone. Such city shall prioritize the placement of photo speed violation monitoring systems in school speed zones based upon speed data or the crash history of a school speed zone. A photo speed violation monitoring system shall not be installed or operated on a controlled-access highway exit ramp or within three hundred feet along a highway that continues from the end of a controlled-access highway exit ramp.

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

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

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

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