STATE OF NEW YORK

4223

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. TAGUE, MORINELLO, DeSTEFANO -- Multi-Sponsored by -- M. of A. TAYLOR -- 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 law, as amended by section 6 of part B of chapter 55 of the laws of 2014, is amended to read as follows:

4. **(a)** A violation of subdivision two 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 subdivision two 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;

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

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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.

§ 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.