

# STATE OF NEW YORK

5548

2021-2022 Regular Sessions

## IN ASSEMBLY

February 19, 2021

Introduced by M. of A. ENGLEBRIGHT, ABBATE, ABINANTI -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring the removal or covering of inapplicable highway work zone traffic control signs

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 1686 to read as follows:

3 § 1686. Work zone signs. Any sign or signs placed for highway work  
4 zone traffic control, including, but not limited to, those placed in  
5 highway construction or maintenance work areas, or on restricted high-  
6 ways, shall be promptly covered or removed whenever such sign or signs  
7 are not applicable, as determined by the state or local authority having  
8 jurisdiction thereon. For the purposes of this subdivision, the term  
9 "restricted highway" shall mean a highway designated as such pursuant to  
10 section one hundred four-a of the highway law.

11 § 2. Section 155 of the vehicle and traffic law, as amended by chapter  
12 157 of the laws of 2017, is amended to read as follows:

13 § 155. Traffic infraction. The violation of any provision of this  
14 chapter, except articles forty-seven and forty-eight and section sixteen  
15 hundred eighty-six of this chapter, or of any law, ordinance, order,  
16 rule or regulation regulating traffic which is not declared by this  
17 chapter or other law of this state to be a misdemeanor or a felony. A  
18 traffic infraction is not a crime and the punishment imposed therefor  
19 shall not be deemed for any purpose a penal or criminal punishment and  
20 shall not affect or impair the credibility as a witness or otherwise of  
21 any person convicted thereof. This definition shall be retroactive and  
22 shall apply to all acts and violations heretofore committed where such  
23 acts and violations would, if committed subsequent to the taking effect  
24 of this section, be included within the meaning of the term "traffic

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

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1 infraction" as herein defined. Except in those portions of Suffolk coun-  
2 ty for which a district court has been established, outside of cities  
3 having a population in excess of one million in which administrative  
4 tribunals have heretofore been established, courts and judicial officers  
5 heretofore having jurisdiction over such violations shall continue to do  
6 so and for such purpose such violations shall be deemed misdemeanors and  
7 all provisions of law relating to misdemeanors except as provided in  
8 section eighteen hundred five of this chapter and except as herein  
9 otherwise expressly provided shall apply except that no jury trial shall  
10 be allowed for traffic infractions. In those portions of Suffolk county  
11 for which a district court has been established and in cities having a  
12 population in excess of one million in which administrative tribunals  
13 have heretofore been established, the criminal courts of such cities or  
14 portions of Suffolk county in which a district court has been estab-  
15 lished shall have jurisdiction to hear and determine any complaint  
16 alleging a violation constituting a traffic infraction, except that  
17 administrative tribunals heretofore established in such cities or  
18 portions of Suffolk county in which a district court has been estab-  
19 lished shall have jurisdiction to hear and determine any charge of an  
20 offense which is a traffic infraction, except parking, standing or stop-  
21 ping. In cities having a population in excess of two hundred thousand in  
22 which administrative tribunals have heretofore been established, and any  
23 such administrative tribunal established by the city of Yonkers, the  
24 city of Peekskill, or the city of Syracuse, such tribunals shall have  
25 jurisdiction to hear and determine any charge of an offense which is a  
26 parking, standing or stopping violation. Any fine imposed by an adminis-  
27 trative tribunal shall be a civil penalty. For purposes of arrest with-  
28 out a warrant, pursuant to article one hundred forty of the criminal  
29 procedure law, a traffic infraction shall be deemed an offense.

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