STATE OF NEW YORK

9318

IN ASSEMBLY

February 29, 2024

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

AN ACT to amend the vehicle and traffic law, in relation to limiting the frequency of traffic stops for minor violations in furtherance of racial equity and public safety; and to amend the criminal procedure law, in relation to the basis for a motion to suppress or exclude evidence

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

Section 1. The vehicle and traffic law is amended by adding a new section 1106 to read as follows;

§ 1106. Restriction of traffic stops for limited reasons. (a) Where no other reason for a motor vehicle stop exists, a law enforcement officer may not initiate a stop for a violation of any of the following provisions of this chapter:

(1) failure to display certificate of inspection pursuant to subdivision (b) of section three hundred six;

(2) failure to equip a motor vehicle with two working headlights or taillights pursuant to subdivision two of section three hundred seventy-five, except that an officer may stop a motor vehicle driven after sunset if it does not have at least one functioning headlight and one functioning taillight;

(3) failure to equip motor vehicle with white light illuminating numerals of a number plate pursuant to subdivision two of section three hundred seventy-five, where number on number plate is otherwise discernible;

(4) driving with a tinted windshield or window pursuant to subdivision twelve-a of section three hundred seventy-five;

(5) affixing objects to windows or hanging objects from rearview mirror pursuant to subdivision thirty of section three hundred seventy-five;

(5) driving with a missing or broken brake light pursuant to subdivision forty of section three hundred seventy-five;

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

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(6) failure to display certificate of registration or driving with an expired registration pursuant to section four hundred one;

(7) failure to properly display license plates pursuant to subdivision one of section four hundred two, where number on rear license plate is discernible; or

(8) failure to signal when making a turn or switching lanes pursuant to section eleven hundred sixty-three.

(b) A law enforcement officer who witnesses a violation of one of the above provisions may mail a warning letter to the owner of the motor vehicle at issue notifying them of the violation and date of its commission.

(c) Evidence obtained in violation of subdivision one of this section above is inadmissible at any criminal proceeding pursuant to subdivision eight of section 710.20 of the criminal procedure law.

(d) Evidence obtained pursuant to violations of other provisions of this chapter is inadmissible at any criminal proceeding pursuant to subdivision eight of section 710.20 of the criminal procedure law unless the lawfulness of the encounter is corroborated by video recording or by evidence other than law enforcement testimony.

§ 2. Section 710.20 of the criminal procedure law is amended by adding a new subdivision 8 to read as follows:

8. Consists of evidence obtained in violation of section eleven hundred six of the vehicle and traffic law.

§ 3. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law.