STATE OF NEW YORK

9782

IN SENATE

May 30, 2024

Introduced by Sen. COONEY -- (at request of the Department of Transportation) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the vehicle and traffic law, in relation to expanding enhanced assault protection for highway workers, motor carrier investigators, and motor carrier inspectors

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

Section 1. Subdivision 11 of section 120.05 of the penal law, as amended by chapter 233 of the laws of 2022, is amended to read as follows:

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant; person whose official duties include the sale or collection of tickets, passes, vouchers, or other revenue payment media for use on a train or bus or the collection or handling of revenues therefrom; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of buses, a transit signal system, elevated or underground subway tracks, transit station structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, or a train or bus station or terminal; or a supervisor of such personnel, employed by any transit or commuter rail agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, **highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor carrier investigator as defined in section one hundred twenty-four-a of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred twenty-four-b of the vehicle and traffic law,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal proce-

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

LBD14278-04-4

dure law, sanitation enforcement agent, New York city sanitation worker, public health sanitarian, New York city public health sanitarian, registered nurse, licensed practical nurse, emergency medical service paramedic, or emergency medical service technician, he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant; person whose official duties include the sale or collection of tickets, passes, vouchers or other revenue payment media for use on a train or bus or the collection or handling of revenues therefrom; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of buses, a transit signal system, elevated or underground subway tracks, transit station structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, or a train or bus station or terminal; or a supervisor of such personnel, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, **highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor carrier investigator as defined in section one hundred twenty-four-a of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred twenty-four-b of the vehicle and traffic law,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, cleaning of a train or bus station or terminal, assisting customers, the sale or collection of tickets, passes, vouchers, or other revenue media for use on a train or bus, or maintenance or cleaning of a train, a bus, or bus station or terminal, signal system, elevated or underground subway tracks, transit station structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard or revenue train in passenger service, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, **highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor carrier investigator as defined in section one hundred twenty-four-a of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred twenty-four-b of the vehicle and traffic law,** prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician is performing an assigned duty; or

§ 2. The vehicle and traffic law is amended by adding three new sections 118-a, 124-a and 124-b to read as follows:

§ 118-a. Highway worker. Any person employed by or on behalf of the state, a county, city, town, village, a public authority, local authority, public utility company, or an agent or contractor of any such entity, or a flagperson as defined in section one hundred fifteen-b of this article, who has been assigned to perform work on a highway, public highway, roadway, access highway, or qualifying highway, or within the

state highway right of way, as defined in section fifty-two of the highway law. Such work may include, but shall not be limited to: construction, reconstruction, maintenance, improvement, flagging, utility installation, or the operation of equipment.

§ 124-a. Motor carrier investigator. Any person employed by the department of transportation who has been assigned to perform investigations of any motor carriers regulated by the commissioner of transportation.

§ 124-b. Motor vehicle inspector. Any person employed by the department of transportation who has been assigned to perform inspections of any motor vehicles regulated by the commissioner of transportation.

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