STATE OF NEW YORK

3938--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. SMULLEN, BEEPHAN, MIKULIN, PALMESANO, DeSTEFANO, BLUMENCRANZ, TAGUE, DURSO, BLANKENBUSH, SEMPOLINSKI, HAWLEY, BRABENEC, MORINELLO, McDONALD, MANKTELOW, JENSEN, DiPIETRO, WALSH, E. BROWN, ANGELINO, GRAY, NOVAKHOV, MOLITOR, BUTTENSCHON, BARCLAY, BOLOGNA, SLATER, WILLIAMS, CRUZ, BAILEY, CHLUDZINSKI, K. BROWN, ZACCARO, GRIFFIN, SIMPSON, WOERNER, RAMOS, McDONOUGH, CUNNINGHAM -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the highway law and the vehicle and traffic law, in relation to enacting "Alexander John Smullen Traffic Safety Memorial Law"

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

Section 1. Short title. This act shall be known and may be cited as the "Alexander John Smullen Traffic Safety Memorial Law".

§ 2. The highway law is amended by adding a new section 24 to read as follows:

§ 24. Memorial sign program for collision victims. 1. The commissioner shall establish and administer a memorial sign program to publicly memorialize the victims of fatal vehicle collisions.

2. As used in this section, "victim" means a person killed in a highway collision.

3. A sign designed and posted under this section shall include:

(a) the phrase "Please Don't Drink and Drive", "Please Don't Drive Impaired", "Please Don't Text and Drive", "Please Don't Speed", "Please Buckle Up", "Please Drive Sober", "Please Drive Safely", "Please Ride Safely", "Please Watch for Bicyclists", "Please Watch for Motorcycles", "Please Watch for Pedestrians", "Reckless Driving Costs Lives", "Seat Belts Save Lives", "Slow Down for Workers", or "Stay Alert Drive Safe";

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

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(b) the phrase "In Memory Of" and the name of one or more victims in accordance with the rules promulgated by the department; and

(c) the date of the collision that resulted in the victim's death.

4. The sign may include the names of more than one victim so long as the total length of the names does not exceed one line of text.

5. A person may request that a sign be posted under this section by:

(a) making an application to the department on a form prescribed by the department; and

(b) submitting a fee to the department, in an amount reasonably determined by the department, to help defray the costs of posting the memorial sign, provided that such fee shall not be excessive or prohibitive.

6. If the application meets the department's requirements and the applicant pays the memorial sign fee, the department shall erect a sign. A sign posted under this section may remain posted for two years. At the end of the two-year period the department may release the sign to the applicant. The department is not required to release a sign that has been damaged.

7. A sign posted under this section that is damaged shall be removed by the department. Except as provided in subdivision eight of this section, the department may post a new sign if it has been less than two years from the posting of the original sign and a person:

(a) submits a written request to the department to replace the sign; and

(b) submits a replacement fee in the amount provided under paragraph (b) of subdivision five of this section.

8. During the two-year posting period the department shall replace a sign posted under this section that is damaged because of the department's negligence.

9. The commissioner shall promulgate such rules and regulations as may be necessary to effectuate the provisions of this section.

10. All signs posted pursuant to this section shall comply with all applicable federal law and regulations.

§ 3. Subdivision (a) of section 1640 of the vehicle and traffic law is amended by adding a new paragraph 23 to read as follows:

23. Establish and administer a memorial sign program to publicly memorialize the victims of fatal vehicle collisions.

(i) As used in this paragraph, "victim" means a person killed in a highway collision, and "agency" means the appropriate administrative agency responsible for highway maintenance in the municipality.

(ii) A sign designed and posted under this paragraph shall include:

a. the phrase "Please Don't Drink and Drive", "Please Don't Drive Impaired", "Please Don't Text and Drive", "Please Don't Speed", "Please Buckle Up", "Please Drive Sober", "Please Drive Safely", "Please Ride Safely", "Please Watch for Bicyclists", "Please Watch for Motorcycles", "Please Watch for Pedestrians", "Reckless Driving Costs Lives", "Seat Belts Save Lives", "Slow Down for Workers", or "Stay Alert Drive Safe";

b. the phrase "In Memory Of" and the name of one or more victims in accordance with the rules promulgated by the legislative body; and

c. the date of the collision that resulted in the victim's death.

(iii) The sign may include the names of more than one victim so long as the total length of the names does not exceed one line of text.

(iv) A person may request that a sign be posted under this paragraph by:

a. making an application to the agency on a form prescribed by the legislative body; and

b. submitting a fee to the agency, in an amount reasonably determined by the legislative body, to help defray the costs of posting the memorial sign, provided that such fee shall not be excessive or prohibitive.

(v) If the application meets the legislative body's requirements and the applicant pays the memorial sign fee, the agency shall erect a sign. A sign posted under this paragraph may remain posted for two years. At the end of the two-year period the agency may release the sign to the applicant. The agency is not required to release a sign that has been damaged.

(vi) A sign posted under this paragraph that is damaged shall be removed by the agency. Except as provided in subparagraph (viii) of this paragraph, the agency may post a new sign if it has been less than two years from the posting of the original sign and a person:

a. submits a written request to the agency to replace the sign; and

b. submits a replacement fee in the amount provided under clause b of subparagraph (iv) of this paragraph.

(vii) During the two-year posting period the agency shall replace a sign posted under this paragraph that is damaged because of the municipality's negligence.

(viii) All signs posted pursuant to this paragraph shall comply with all applicable federal law and regulations.

§ 4. Subdivision (a) of section 1650 of the vehicle and traffic law is amended by adding a new paragraph 8 to read as follows:

8. Establish and administer a memorial sign program to publicly memorialize the victims of fatal vehicle collisions.

(i) As used in this paragraph, "victim" means a person killed in a highway collision.

(ii) A sign designed and posted under this paragraph shall include:

a. the phrase "Please Don't Drink and Drive", "Please Don't Drive Impaired", "Please Don't Text and Drive", "Please Don't Speed", "Please Buckle Up", "Please Drive Sober", "Please Drive Safely", "Please Ride Safely", "Please Watch for Bicyclists", "Please Watch for Motorcycles", "Please Watch for Pedestrians", "Reckless Driving Costs Lives", "Seat Belts Save Lives", "Slow Down for Workers", or "Stay Alert Drive Safe";

b. the phrase "In Memory Of" and the name of one or more victims in accordance with the rules promulgated by the county superintendent of highways; and

c. the date of the collision that resulted in the victim's death.

(iii) The sign may include the names of more than one victim so long as the total length of the names does not exceed one line of text.

(iv) A person may request that a sign be posted under this paragraph by:

a. making an application to the county superintendent of highways on a form prescribed by the county superintendent of highways; and

b. submitting a fee to the county superintendent of highways, in an amount reasonably determined by the elected legislative body of the county, to help defray the costs of posting the memorial sign, provided that such fee shall not be excessive or prohibitive.

(v) If the application meets the superintendent's requirements and the applicant pays the memorial sign fee, the county superintendent of highways shall erect a sign. A sign posted under this paragraph may remain posted for two years. At the end of the two-year period the county superintendent of highways may release the sign to the applicant. The county superintendent of highways is not required to release a sign that has been damaged.

(vi) A sign posted under this paragraph that is damaged shall be removed by the county superintendent of highways. Except as provided in subparagraph (viii) of this paragraph, the county superintendent of highways may post a new sign if it has been less than two years from the posting of the original sign and a person:

a. submits a written request to the county superintendent of highways to replace the sign; and

b. submits a replacement fee in the amount provided under clause b of subparagraph (iv) of this paragraph.

(vii) During the two-year posting period the county superintendent of highways shall replace a sign posted under this paragraph that is damaged because of the county's negligence.

(viii) All signs posted pursuant to this paragraph shall comply with all applicable federal law and regulations.

§ 5. Subdivision (a) of section 1660 of the vehicle and traffic law is amended by adding a new paragraph 29 to read as follows:

29. Establish and administer a memorial sign program to publicly memorialize the victims of fatal vehicle collisions.

(i) As used in this paragraph, "victim" means a person killed in a highway collision.

(ii) A sign designed and posted under this paragraph shall include:

a. the phrase "Please Don't Drink and Drive", "Please Don't Drive Impaired", "Please Don't Text and Drive", "Please Don't Speed", "Please Buckle Up", "Please Drive Sober", "Please Drive Safely", "Please Ride Safely", "Please Watch for Bicyclists", "Please Watch for Motorcycles", "Please Watch for Pedestrians", "Reckless Driving Costs Lives", "Seat Belts Save Lives", "Slow Down for Workers", or "Stay Alert Drive Safe";

b. the phrase "In Memory Of" and the name of one or more victims in accordance with the rules promulgated by the legislative body; and

c. the date of the collision that resulted in the victim's death.

(iii) The sign may include the names of more than one victim so long as the total length of the names does not exceed one line of text.

(iv) A person may request that a sign be posted under this paragraph by:

a. making an application to the highway superintendent on a form prescribed by the town board; and

b. submitting a fee to the highway superintendent, in an amount reasonably determined by the town board, to help defray the costs of posting the memorial sign, provided that such fee shall not be excessive or prohibitive.

(v) If the application meets the town board's requirements and the applicant pays the memorial sign fee, the highway superintendent shall erect a sign. A sign posted under this paragraph may remain posted for two years. At the end of the two-year period the highway superintendent may release the sign to the applicant. The highway superintendent is not required to release a sign that has been damaged.

(vi) A sign posted under this paragraph that is damaged shall be removed by the highway superintendent. Except as provided in subparagraph g of this paragraph, the highway superintendent may post a new sign if it has been less than two years from the posting of the original sign and a person:

a. submits a written request to the highway superintendent to replace the sign; and

b. submits a replacement fee in the amount provided under clause b of subparagraph (iv) of this paragraph.

(vii) During the two-year posting period the highway superintendent shall replace a sign posted under this paragraph that is damaged because of the town's negligence.

(viii) All signs posted pursuant to this paragraph shall comply with all applicable federal law and regulations.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law.