§ 1180. Basic rule and maximum limits. (a) No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

(b) Except as provided in subdivision (g) of this section and except when a special hazard exists that requires lower speed for compliance with subdivision (a) of this section or when maximum speed limits have been established as hereinafter authorized, no person shall drive a vehicle at a speed in excess of fifty-five miles per hour.

(c) Except as provided in subdivision (g) of this section, whenever maximum school speed limits have been established on a highway adjacent to a school as authorized in section sixteen hundred twenty, sixteen hundred twenty-two, sixteen hundred thirty, sixteen hundred forty-three or sixteen hundred sixty-two-a, no person shall drive in excess of such maximum school speed limits during:

(1) school days at times indicated on the school zone speed limit sign, provided, however, that such times shall be between the hours of seven o'clock A.M. and six o'clock P.M. or alternative times within such hours; or

(2) a period when the beacons attached to the school zone speed limit sign are flashing and such sign is equipped with a notice that indicates that the school zone speed limit is in effect when such beacons are flashing, provided, however, that such beacons shall only flash during student activities at the school and up to thirty minutes immediately before and up to thirty minutes immediately after such student activities.

(d) 1. Except as provided in subdivision (g) of this section, whenever maximum speed limits, other than school speed limits, have been established as authorized in sections sixteen hundred twenty, sixteen hundred twenty-two, sixteen hundred twenty-three, sixteen hundred twenty-seven, sixteen hundred thirty, sixteen hundred forty-three, sixteen hundred forty-four, sixteen hundred fifty-two, sixteen hundred sixty-two-a, sixteen hundred sixty-three, and sixteen hundred seventy, no person shall drive in excess of such maximum speed limits at any time.

2. Except as provided in subdivision (g) of this section, whenever

maximum speed limits, other than school speed limits, have been established with respect to any restricted highway as authorized in section sixteen hundred twenty-five, no person shall drive in excess of such maximum speed limits at any time.

(e) The driver of every vehicle shall, consistent with the requirements of subdivision (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when approaching and passing by an emergency situation involving any authorized emergency vehicle which is parked, stopped or standing on a highway and which is displaying one or more red or combination red, white, and/or blue lights pursuant to the provisions of paragraph two and subparagraph b of paragraph four of subdivision forty-one of section three hundred seventy-five of this chapter, when traveling upon any narrow or winding roadway, and when any special hazard exists with respect to pedestrians, or other traffic by reason of weather or highway conditions, including, but not limited to a highway construction or maintenance work area, or when approaching a hazard vehicle which is parked, stopped or standing on the shoulder or on any portion of such highway and such hazard vehicle is displaying one or more amber lights pursuant to the provisions of paragraph three of subdivision forty-one of section three hundred seventy-five of this chapter.

(f) Except as provided in subdivision (g) of this section and except when a special hazard exists that requires lower speed for compliance with subdivision (a) or (e) of this section or when a lower maximum speed limit has been established, no person shall drive a vehicle through a highway construction or maintenance work area at a speed in excess of the posted work area speed limit. The agency having jurisdiction over the affected street or highway may establish work area speed limits which are less than the normally posted speed limits; provided, however, that such normally posted speed limit may exceed the work area speed limit by no more than twenty miles per hour; and provided further that no such work area speed limit may be established at less than twenty-five miles per hour.

(g) (i) No person who uses a radar or laser detector in a vehicle with a gross vehicle weight rating of more than eighteen thousand pounds, or

a commercial motor vehicle with a gross vehicle weight rating of more than ten thousand pounds, shall drive at a speed in excess of fifty-five miles per hour or, if a maximum speed limit other than fifty-five miles per hour as hereinbefore authorized has been established, at a speed in excess of such speed limit. The presence in any such vehicle of either: (1) a radar or laser detector connected to a power source and in an operable condition; or (2) a concealed radar or laser detector where a part of such detector is securely affixed to some part of the vehicle outside of the cab, in a manner which renders the detector not readily observable, is presumptive evidence of its use by any person operating such vehicle. Either such presumption shall be rebutted by any credible and reliable evidence which tends to show that such radar or laser detector was not in use.

(ii) The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a radar or laser detector, unless otherwise provided by law.

(h) Upon a conviction for a violation of subdivision (b), (c), (d), (f) or (g) of this section, the court shall record the speed upon which the conviction was based on the certificate required to be filed with the commissioner pursuant to section five hundred fourteen of this chapter, or if the conviction occurs in an administrative tribunal established pursuant to article two-A of this chapter, the speed upon which the conviction was based shall be entered in the department's records.

1. Every person convicted of a violation of subdivision (b) or paragraph one of subdivision (d) of this section shall be punished as follows:

(i) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by not more than ten miles per hour, by a fine of not less than forty-five nor more than one hundred fifty dollars;

(ii) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by more than ten miles per hour but not more than thirty miles per hour, by a fine of not less than ninety nor more than three hundred dollars or by imprisonment for not more than fifteen days or by both such fine and

imprisonment;

(iii) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by more than thirty miles per hour, by a fine of not less than one hundred eighty nor more than six hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

2. Every person convicted of a violation of subdivision (a) or (e) of this section shall be punished by a fine of not less than forty-five nor more than one hundred fifty dollars, or by imprisonment for not more than fifteen days, or by both such fine and imprisonment.

3. Every person convicted of a violation of paragraph two of subdivision (d), subdivision (f) or (g) of this section shall be punished as follows:

(i) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by not more than ten miles per hour, by a fine of not less than ninety nor more than one hundred fifty dollars;

(ii) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by more than ten miles per hour, but not more than thirty miles per hour, by a fine of not less than one hundred eighty nor more than three hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment, provided, however, that where the vehicle is either (A) in violation of any rules or regulations involving an out-of-service defect relating to brake systems, steering components and/or coupling devices, or (B) transporting flammable gas, radioactive materials or explosives, the fine shall be three hundred dollars or imprisonment for not more than thirty days, or both such fine and imprisonment;

(iii) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by more than thirty miles per hour, by a fine of not less than three hundred sixty nor more than six hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment, provided, however, that where the vehicle is either (A) in violation of

any rules or regulations involving an out-of-service defect relating to brake systems, steering components and/or coupling devices, or (B) transporting flammable gas, radioactive materials or explosives, the fine shall be six hundred dollars or imprisonment for not more than thirty days, or both such fine and imprisonment.

4. Every person convicted of a violation of subdivision (c) of this section when such violation occurs in a school speed zone during a school day between the hours of seven o'clock A.M. and six o'clock P.M., shall be punished as follows:

(i) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by not more than ten miles per hour, by a fine of not less than ninety nor more than three hundred dollars;

(ii) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by more than ten miles per hour but not more than thirty miles per hour, by a fine of not less than one hundred eighty nor more than six hundred dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment;

(iii) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by more than thirty miles per hour, by a fine of not less than three hundred sixty nor more than one thousand two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

5. Notwithstanding the foregoing provisions of this subdivision, the maximum fine provided herein for the violation for which the person is sentenced may be increased by an additional one hundred fifty dollars if the conviction is for a second violation of any subdivision of this section where both violations were committed within an eighteen month period, and the maximum fine provided herein for the violation for which the person is sentenced may be increased by an additional three hundred seventy-five dollars if the conviction is for a third or subsequent violation of any subdivision of this section where all such violations were committed within an eighteen month period. Where an additional fine

is provided by this paragraph, a sentence of imprisonment for not more than thirty days may be imposed in place of or in addition to any fine imposed.