§ 1800. Penalties for traffic infractions. (a) It is a traffic infraction for any person to violate any of the provisions of this chapter or of any local law, ordinance, order, rule or regulation adopted pursuant to this chapter, unless such violation is by this chapter or other law of this state declared to be a misdemeanor or a felony.

(b) 1. Every person convicted of a traffic infraction for a violation of any of the provisions of this chapter or of any ordinance, order, rule or regulation adopted pursuant to section sixteen hundred thirty or sixteen hundred thirty-one of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not more than one hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than four hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment, except that a person convicted of a traffic infraction for a violation of paragraph one of subdivision (d) of section one thousand one hundred eleven of this chapter outside of a city having a population of one million or more shall, for a first conviction thereof, be punished by a fine of not less than seventy-five dollars nor more than two hundred twenty-five dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than one hundred fifty dollars nor more than three hundred seventy-five dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than three hundred seventy-five dollars nor more than six hundred seventy-five dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment except

that a person convicted for a violation of paragraph one of subdivision (d) of section one thousand one hundred eleven of this chapter shall, for a first conviction thereof, be punished by a fine of not less than one hundred fifty dollars nor more than four hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than three hundred dollars nor more than seven hundred fifty dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than seven hundred fifty dollars nor more than one thousand five hundred dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

2. Notwithstanding the provisions of paragraph one of this subdivision, a person convicted of a traffic infraction for a violation of paragraph two of subdivision (b) of section twelve hundred two of this chapter shall for a first conviction thereof be punished by a fine of not more than four hundred dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment. Upon a conviction for a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than six hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than seven hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

(c) Every person convicted of a traffic infraction for a violation of any local law, ordinance, order, rule, regulation or administrative code provision adopted pursuant to this chapter by any local authority or continued in effect by this chapter, except those adopted pursuant to sections sixteen hundred thirty and sixteen hundred thirty-one, shall be punished in the same manner as has heretofore been prescribed by law unless or until otherwise prescribed by local law, ordinance or state

statute.

(d) A conviction of violation of any provision of this chapter shall not be a bar to a prosecution for an assault or for a homicide committed by any person in operating a motor vehicle or motorcycle.

(e) Every person convicted of a violation of the provisions of section eleven hundred forty-four of this chapter shall for a first conviction thereof be punished by a fine of not more than two hundred seventy-five dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment. For a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than four hundred fifty dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment. For a conviction of a third violation and all subsequent violations, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than seven hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

(f) Every person convicted of operating a truck, tractor or tractor-trailer combination having a total gross weight in excess of ten thousand pounds in violation of a local law, ordinance, rule or regulation enacted by the legislative body of any city with a population in excess of one million pursuant to the provisions of paragraph ten of subdivision (a) of section sixteen hundred forty of this chapter shall, for a first offense thereof, be punished by a fine of not less than two hundred dollars nor more than five hundred dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment. For a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment. For a conviction of a third violation and all subsequent violations, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not less than one thousand dollars nor more than two thousand dollars, or by imprisonment for not more than ninety days or by both such fine and imprisonment.

(g) Notwithstanding the provisions of subdivisions (b) and (c) of this

section, a person convicted of a traffic infraction for a violation of any ordinance, order, rule, regulation or local law adopted pursuant to one or more of the following provisions of this chapter: paragraphs two and nine of subdivision (a) of section sixteen hundred twenty-one; subdivision three of section sixteen hundred thirty; or subdivision five of section seventy-one of the transportation law, prohibiting the operation on a highway or parkway of a motor vehicle registered as a commercial vehicle and having a gross vehicle weight rating of less than ten thousand pounds shall, for a first conviction thereof, be punished by a fine of not more than two hundred fifty dollars or by imprisonment of not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than seven hundred fifty dollars or by imprisonment of not more than ninety days or by both such fine and imprisonment. Provided, however, the provisions of this subdivision shall not apply to a commercial motor vehicle as such term is defined in paragraph (a) of subdivision four of section five hundred one-a of this chapter.

(h) Notwithstanding the provisions of subdivisions (b) and (c) of this section, a person convicted of a traffic infraction for a violation of any ordinance, order, rule, regulation or local law adopted pursuant to one or more of the following provisions of this chapter: paragraphs two and nine of subdivision (a) of section sixteen hundred twenty-one; subdivision three of section sixteen hundred thirty; or subdivision five of section seventy-one of the transportation law, prohibiting the operation on a highway or parkway of a motor vehicle registered as a commercial vehicle and having a gross vehicle weight rating of at least ten thousand pounds but no more than twenty-six thousand pounds shall, for a first conviction thereof, be punished by a fine of not more than three hundred fifty dollars or by imprisonment of not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than seven

hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than one thousand dollars or by imprisonment of not more than ninety days or by both such fine and imprisonment; provided, however, the provisions of this subdivision shall not apply to a commercial motor vehicle as such term is defined in paragraph (a) of subdivision four of section five hundred one-a of this chapter.

(i) Notwithstanding the provisions of subdivisions (b) and (c) of this section, a person convicted of a traffic infraction for a violation of any ordinance, order, rule, regulation or local law adopted pursuant to one or more of the following provisions of this chapter: paragraphs two and nine of subdivision (a) of section sixteen hundred twenty-one; subdivision three of section sixteen hundred thirty; or subdivision five of section seventy-one of the transportation law, prohibiting the operation on a highway or parkway of a commercial motor vehicle as defined in paragraph (a) of subdivision four of section five hundred one-a of this chapter, for a first conviction thereof, be punished by a fine of not more than seven hundred dollars or by imprisonment of not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than one thousand five hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than two thousand dollars or by imprisonment of not more than ninety days or by both such fine and imprisonment.