

"P" 16 (2016)

"M" 13 (2016)

Albany, New York

October 14, 2016

TO: All Enforcement Agencies and Magistrates

SUBJECT: Chapter 251 of the Laws of 2016 – Interfering with Traffic Control Signals

Effective November 1, 2016, Chapter 251 of the Laws of 2016 amends Section 1115 of the Vehicle and Traffic Law as follows:

- Section 1115(b) is amended to include and define the following terms:
 - "To Alter" – To alter a traffic-control signal includes, but is not limited to, using a traffic-control signal preemption device to change or attempt to change the traffic-control signal indications.
 - "Traffic-control Signal Preemption Device" – Any device that is designed or used to change or attempt to change traffic-control signal indications.
- A new Section 1115(c) is added to require that a vehicle with a traffic-control signal preemption device connected to a power source and in operable condition is presumptive evidence of the device's use by any person operating the vehicle. The presumption shall be rebutted by any credible and reliable evidence which tends to show that the device was not in use. It is a traffic infraction to use a traffic-control signal preemption device to interfere with an official traffic-control device.

A copy of Chapter 251 is attached for your reference. Please share this information with appropriate staff. Thank you.

Theresa L. Egan
Executive Deputy Commissioner

Attachment

STATE OF NEW YORK

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2015-2016 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 7, 2015

Introduced by M. of A. DINOWITZ, JAFFEE, GALEF, CLARK, ENGLEBRIGHT,
SCHIMEL, WEPRIN -- Multi-Sponsored by -- M. of A. PERRY -- read once
and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to prohibiting
the use of any device which affects the operation of a traffic-control
signal

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

1 Section 1. Section 1115 of the vehicle and traffic law, as amended by
2 chapter 315 of the laws of 1969, is amended to read as follows:

3 § 1115. Interference with official traffic-control devices, railroad
4 signs or signals and other highway appurtenances. (a) No person shall,
5 without lawful authority, attempt to or in fact alter, deface, injure,
6 knock down, cover, remove, or otherwise interfere with any official
7 traffic-control device or any railroad sign or signal, or any
8 inscription, shield, or insignia thereon, or any other part thereof; any
9 bridge or similar structure; any monument, lamppost, telephone pole,
10 fence, walk, curb, tree, rock cut or other appurtenance on a highway
11 right of way.

12 (b) For the purposes of this section~~[7]~~ the following terms shall have
13 the following meanings:

14 1. to [~~deface~~] "deface" shall include, but not be limited to, to
15 damage, destroy, disfigure, erase, ruin, distort, spoil or otherwise
16 change the external appearance of an object by the use of chalk, crayon,
17 paint, stain, ink or other similar material.

18 2. to "alter" a traffic-control signal shall include, but not be
19 limited to, changing or attempting to change the signal indications of a
20 traffic-control signal by use of a traffic-control signal preemption
21 device.

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

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1 3. "traffic-control signal preemption device" shall mean any device
2 designed or used to change or attempt to change the signal indications
3 of a traffic-control signal.

4 (c) The presence in a vehicle of a traffic-control signal preemption

5 device connected to a power source and in an operable condition is
6 presumptive evidence of its use by any person operating such vehicle.
7 Such presumption shall be rebutted by any credible and reliable evidence
8 which tends to show that such device was not in use.

9 § 2. This act shall take effect on the first of November next succeed-
10 ing the date on which it shall have become a law.
