

JURISDICTION:

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General Reference:

This chapter summarizes New York State statutes related to speed. McKinney's Consolidated Laws of New York Note: Most citations are to the Vehicle and Traffic Law (V&T Law). New York Code of Rules and Regulations (NYCRR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not 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. V&T Law §1180(a)

Statutory Speed Limit:

65 MPH on parts of certain designated highways¹ V&T Law §1180-a(2) Repealed December 1, 2005.

See Other below

55 MPH V&T Law §§1180(b) & 1180-a(1) (V&T Law §1180-a on December 1, 2005)

Posted (Maximum) Speed Limit:

I. The State Department of Transportation (1) on highways under its jurisdiction², (2) on county or town roads not in cities or villages via a request by a county or town or (3) on highways on State educational, institutional or agency grounds via a request from such organizations may establish maximum speed limits > or <55 MPH.³ V&T Law §§1180(c) & (d)(1), 1620(a), 1622(1) and 1623(a) Note: New York law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Certain State created public authorities and commissions may establish maximum speed limits <55 MPH on highways under their

Basis for a Speed Law Violation: (continued)

¹A speed limit of 65 MPH speed limit may be established on the following highways: (1) "The Governor Thomas E. Dewey Thruway as such term is defined in section three hundred fifty-six of the public authorities law..." (Note: The law specifically prohibits such a speed limit on certain portions of this highway. See V&T law §1180-a(2) for details.); and, (2) "(a) the southern tier expressway from a point east of the town of Lowman, the County of Chemung, thence generally westerly to the Pennsylvania border and from the Chemung interchange to New York touring route twenty-six, (b) interstate route eighty-one from the Pennsylvania border in Broome county to the interchange with New York touring route twelve in Jefferson county, (c) the Adirondack northway portion of interstate route eighty-seven from the interchange with crescent road in Saratoga county to the province of Quebec, (d) interstate route eighty-eight from the interchange with New York state touring route three hundred sixty-nine in Broome county to the interchange with interstate route ninety in Schenectady county, (e) interstate route three hundred ninety, known as the Genesee Expressway, from the interchange with the southern tier expressway in Steuben county to the interchange with interstate four hundred ninety in Monroe County, (f) interstate route four hundred ninety from interstate ninety exit forty-five in Ontario county to the City of Rochester in Monroe county and from interstate ninety exit forty-seven in Genesee county to the City of Rochester in Monroe county, (g) interstate route five hundred ninety from the interchange with interstate route three hundred ninety in Monroe county to the interchange with interstate route four hundred ninety in Monroe county, (h) route seventeen from the interchange with New York touring route three hundred ninety-four to the Pennsylvania boarder, (i) interstate route four hundred eighty-one from the southerly interchange with interstate route eighty-one in Onondaga county to the northerly interchange with interstate route eighty-one in Onondaga county ... [and] New York state touring route four hundred eight-one from the northerly interchange with interstate route eighty one in Onondaga county to the city of Fulton in Oswego county...." V&T Law §1180-a(2) & (3) Repealed December 1, 2005.

²This applies to State maintained highways outside of cities with a population >1 million and on Indian reservations. V&T Law §1620(a)

³Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone. V&T Law §§1620(a) & 1622(1) However, on highway within certain designed areas, the speed limit within a county or town cannot be <30 MPH. V&T Law §1622(2)

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Posted (Maximum) Speed Limit: (continued)

jurisdiction.⁴ V&T Law §§1180(c) & (d)(1), 1180-a(1) and 1630(5)
III. Towns⁵ on roads within their exclusive jurisdiction may establish maximum speed limits <55 MPH.⁶ V&T Law §§1180(c) & (d)(1), 1180-a(1) and 1662-a
IV. Cities and villages on roads within their exclusive jurisdiction may establish maximum speed limits <55 MPH.⁷ V&T Law §§1180(c) & (d)(1), 1180-a(1) and 1643
V. A city or village may establish maximum speeds of not <15 MPH on certain private driveway or parking areas. V&T Law §1640-a(2-a)
VI. Other local authorities or school districts may establish speed limits <55 MPH on driveways or parking fields under their jurisdiction. V&T Law §§1180(d)(1) & 1670(3)

IMPORTANT. I. The State Department of Transportation may prohibit a local government from establishing maximum speed limits on certain designate State maintained highways. V&T Law §1624(a)
II. Except as provided under V&T Law §1180-a(2) & (3) (Repealed December 1, 2005.) (See Footnote No. 1.) (1) cities, (2) villages, (3) towns,

⁴Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone. However, there are exceptions. Lower safe speed limits may be established for bridges and elevated structures. A safe speed limit of not <10 MPH may be established in parks. And, a speed limit of not <5 MPH may be established for passage through toll plazas. V&T Law §1630(5)

⁵"Towns" means either suburban towns governed by Town Law Article 3-a or other towns with a population >50,000. V&T Law §1662-a

⁶The established speed limit throughout on within designed areas of a town cannot be <30 MPH. Except that on certain designed highways, the speed limit cannot be <25 MPH. Nevertheless, a speed limit of not <15 MPH may be established in school zones. In the community of Point Lookout, Town of Hempstead, a speed limit of not <15 MPH may be established. V&T Law §1662-a

⁷I. The established speed limit throughout on within designed areas of a city or village cannot be <30 MPH. Except that on certain designed highways, the speed limit cannot be <25 MPH. Nevertheless, a speed limit of not <15 MPH may be established in school zones. In Buffalo and Rochester, a speed limit of not <15 MPH may be established on a highway within a city park. V&T Law §1643

II. In cities with a population >1 million, speed limits <25 MPH but in no case <15 MPH may be established along designated highways for the "purpose of implementing traffic calming measures." However, no such speed limit can be established were such measure consists only of traffic control sign. "Traffic calming measures" means "any physical engineering measure or measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users such as pedestrians and bicyclists." V&T Law §1642(26)

(4) counties, (5) public authorities and (5) divisions and offices of the State Department of Transportation are prohibited from establishing speed limits >55 MPH. V&T Law §1180-a(1) (V&T Law §1180-a on December 1, 2005)

Minimum Speed Limit:

I. No person shall driver a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. V&T Law §1181(a)
 II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. V&T Law §1120(b)

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit:

The State on highways under its jurisdiction or a city with a population >1 million may establish minimum safe speed limits. V&T Law §§1181(b), 1620(b) & 1642(a)(5)

Other:

I. The State, or local government may establish maximum safe speed limits on bridges and elevated structures on their respective highways. V&T Law §§1180(d)(1), 1620(c), 1644, 1652 & 1663
 II. The State or a local government may establish maximum speed limits on restricted highways that are either under construction or reconstruction. Highway Law §104-a & V&T Law §§1180(d)(2) & 1625(a)(1)
 III. An agency having control over a street under construction or maintenance may establish a "work area speed limit" with a limit of not <25 MPH. In addition, the usual speed limit cannot be exceed the work area speed limit by >20 MPH. V&T Law §1180(f)
 IV. State university board of trustees are authorized to adopt State traffic laws, which could include speed limits, on university streets. Education Law §360(1)
 V. School vehicles, when engaged in pupil transportation, cannot be driven >55 MPH. However, local school districts may adopt a lower operating speed for such vehicles. Education Law §3624
 VI. No person shall drive a commercial motor vehicle (CMV) with gross weight >10,000 lbs. (>18,000 lbs. if using radar/laser speed detector) >55 MPH or above the posted speed limit. V&T Law §1180(g)(i)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Traffic Infractions. V&T Law §§1180 & 1800(a) and Education Law §360(2)

Other:

Education Law §3624 does not provide a sanction for driving a school vehicle >55 MPH when transporting pupils.

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

Basic Speed Rule-Not more than **15 days** V&T Law §1180(h)(2)
Violating the Minimum Speed Law (including not driving in the right lane when proceeding at less than the normal speed of traffic) or Posted Minimum Speed Limit-1st offense-Not more than **15 days** 2nd offense (within 18 months)-Not more than **45 days** Subsequent offense (within 18 months)-Not more than **90 days** V&T Law §1800(b)
Exceeding 55/65 MPH or the Posted Speed Limits-(1) Exceeding speed limit ≤10 MPH-**None** (2) Exceeding speed limit >10 but <30 MPH-Not

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more than **15 days** (3) Exceeding the speed limit >30 MPH-Not more than **30 days** V&T Law §1180(h)(1)
Established Construction Zones or CMV Speed Limit Violations-(1) Exceeding speed limit ≤10 MPH-**None** (2) Exceeding speed limit >10 but <30 MPH-Not more than **30 days** (3) Exceeding the speed limit >30 MPH-Not more than **30 days** V&T Law §1180(h)(3)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Basic Speed Rule-Not more than **\$30 to \$100**⁸ V&T Law §1180(h)(2)
Violating the Minimum Speed Law (including not driving in the right lane when proceeding at less than the normal speed of traffic) or Posted Minimum Speed Limit-1st offense-Not more than **\$100** 2nd offense(within 18 months)-Not more than **\$200** Subsequent offense (within 18 months)-Not more than **\$300** V&T Law §1800(b)
Exceeding 55/65 MPH or the Posted Speed Limits-(1) Exceeding speed limit ≤10 MPH-**\$30 to \$100**⁸ (2) Exceeding speed limit >10 but <30 MPH-**\$60 to \$200**⁸ (3) Exceeding the speed limit >30 MPH-**\$120 to \$400**⁸ V&T Law §1180(h)(1)
Established Construction Zones or CMV Speed Limit Violations-(1) Exceeding speed limit ≤10 MPH-**\$60 to \$100**⁸ (2) Exceeding speed limit >10 but <30 MPH-**\$120 to \$200**⁸ (3) Exceeding the speed limit >30 MPH-**\$240 to \$400**⁸ V&T Law §1180(h)(3)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

The court may order an offender to attend a Driver Improvement Clinic. NYCRR §133.3

Other:

School Speed Zone. The following sanctions apply if a person exceeds the applicable speed limit in a school zone during a school day between the hours of 7:00 A.M. and 6:00 P.M. (1) Exceeding the speed limit by ≤10 MPH, a fine of not less than **\$60 nor more than \$200**⁸. (2) Exceeding the speed limit by >10 MPH but ≤30 MPH, a fine of not less than **\$120 nor more than \$400**⁸ and/or imprisonment for not more than **15 days**. And, (3) exceeding the speed limit by >30 MPH, a fine of not less than **\$240 nor more than \$800**⁸ and/or imprisonment for not more than **30 days**. V&T Law §1180(h)(4)

Licensing Action:

Type of Licensing Action

⁸2nd offense (within 18 months)-The maximum fine that can be imposed is increased by **\$100**. V&T Law §1180(h)(5) Subsequent offense (within 18 months)-The maximum fine that can be imposed is increased by **\$250**. V&T Law §1180(h)(5)

(Susp/Rev):

Suspension or Revocation-Based Upon Habitual or Persistent Traffic Law Violations (Point System)⁹ V&T Law §510(3)(d)
Revocation-Based upon 3 or more offenses, within 18 months, involving exceeding the speed limit V&T Law §510(2)(a)(iv)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.):

Suspension or Revocation-Based Upon Habitual or Persistent Traffic Law Violations (Point System)-Note: The law does not provide specific

Term of License Withdrawal

⁹**Point System.** I. An offender may be required to attend a Driver Improvement Clinic if they accumulate 7 to 10 points within 18 months. 15 NYCRR §131.4(b) The licensing agency may take licensing action (suspension or revocation) if the offender has accumulated ≥11 points within 18 months or ≥9 points resulting from speeding violations within 18 months. NYCRR §131.4(c) II. The following points have been assigned to speeding or speed related violations: Speeding >40 MPH over the speed limit-11 points; speeding >30 but ≤40 MPH over the speed limit-8 points; speeding >20 but ≤30 MPH over the speed limit-6 points; reckless driving-5 points; speeding >10 but ≤20 MPH over the speed limit-4 points; other violations related to exceeding the speed limit-3 points; and, other moving violations-2 points. 15 NYCRR §131.3(a) & (b)

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(Days, Months, Years, etc.) suspension or revocation periods.¹⁰ V&T Law §510(3)(d)
Revocation-Based upon 3 or more offenses, within 18 months, involving
exceeding the speed limit-At least **6 months** V&T Law §510(6)(a)

Mandatory Minimum Term of Withdrawal: **Suspension or Revocation**-Based Upon Habitual or Persistent Traffic Law Violations (Point System)-**None**¹¹ Note: Suspension or revocation action is "permissive." V&T Law §510(3)(d)
Revocation-None¹¹

Miscellaneous Sanctions Not Included Elsewhere: The registrations of the vehicles owned by the offender may also be suspended or revoked. V&T Law §510(2)(a) & (3)

Other Criminal Actions Related to Speeding:

Racing on Highway: Misdemeanor V&T Law §1182(1)
Sanctions:
Criminal Sanction:
Imprisonment (Term): 1st offense-Not more than **30 days** V&T Law §1182(1) 2nd offense (within 12 months)-Not more than **6 months** V&T Law §1182(2)
Mandatory Minimum Term: **None**
Fine (\$ Range): 1st offense-**\$200 to \$350** V&T Law §1182(1) 2nd offense (within 12 months)-**\$350 to \$500** V&T Law §1182(2)
Mandatory Minimum Fine: **None**

Administrative Licensing Action: **Revocation** V&T Law §510(2)(a)(vi) & (vii)
Licensing Authorized and Type of Action:
Length of Term of Licensing Withdrawal: 1st offense-At least **6 months** V&T Law §510(2)(a)(vi) & (6)(a) 2nd offense (within 3 years)-**1 year** V&T Law §510(2)(a)(vii)

Mandatory Action--Minimum Length of License Withdrawal: **None**¹¹

Other: I. The registrations of the vehicles owned by the offender may also be revoked. V&T Law §510(2)(a)
II. The court may order an offender to attend a Driver Improvement Clinic. NYCRR §133.3

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: Misdemeanor V&T Law §§1212 & 1801(1)
Sanction:
Criminal:
Imprisonment (Term): 1st offense-Not more than **30 days** 2nd offense (within 18 months)-Not more than **90 days** Subsequent offense (within 18 months)-Not more than

¹⁰In the case of "permissive" revocations, the law provides that a "new" license cannot be issued for at **30 days**. V&T Law §510(6)(g)

¹¹A "restricted use license" is available if license suspension or revocation is ordered. Such license is issued upon a showing that driving is necessary for employment, business or education. V&T Law §530

Mandatory Minimum Term of Imprisonment:	180 days V&T Law §1801(1)
Fine (\$ Range):	None <u>1st offense</u> -Not more than \$200 <u>2nd offense</u> (within 18 months)-Not more than \$350 <u>Subsequent offense</u> (within 18 months)-Not more than \$750 V&T Law §1801(1)
Mandatory Minimum Fine:	<u>1st or subsequent offense</u> - \$100 V&T Law §1801(1)
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	Suspension or Revocation -Based Upon (1) Dangerous Driving or (2) Habitual or Persistent Traffic Law Violations (Point System) ⁹ V&T Law §510(3)(a) & (d)
Length of Term of License Withdrawal Action:	Note: The law does not provide specific suspension or revocation periods. ¹⁰ V&T Law §510(3)(a) & (d)
Mandatory Term of License Withdrawal Action:	None ¹² Note: Suspension or revocation action is "permissive." V&T Law §510(3)(a) & (d)
Other:	I. The registrations of the vehicles owned by the offender may also be suspended or revoked. V&T Law §510(3) II. The court may order an offender to attend a Driver Improvement Clinic. NYCRR §133.3

Commercial Motor Vehicle (CMV) Operators¹³:

<u>Grounds for Suspension:</u>	A person's CDL is suspended if while operating a CMV they either (1) commit 2 "serious traffic violations" ¹⁴ within a 3 year period or (2) commit 3 such violations within a 3 year period. §6-514(e)
<u>Period of Suspension:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days V&T Law §510-a(3)(a) & (b)
<u>Period of Mandatory Suspension:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days V&T Law §510-a(3)(a) & (b)

¹²A "restricted use license" is available if license suspension or revocation is ordered. Such license is issued upon a showing that driving is necessary for employment, business or education. However, a person is not eligible for such privileges if they have been convicted of a prior reckless driving offense within 4 years of the present offense. V&T Law §530(2)

¹³A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 15 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. V&T Law §501-a(4)

¹⁴A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. V&T Law §510-a(4)