

515

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sens. MAZIARZ, HANNON, JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the penal law, in relation to increasing fines and penalties for passing a stopped school bus

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision (c) of section 1174 of the vehicle and traffic  
2 law, as amended by chapter 254 of the laws of 2002, is amended to read  
3 as follows:  
4     (c) Every person convicted of a violation of subdivision (a) of this  
5 section shall BE SUBJECT TO THE FOLLOWING FINES AND PENALTIES:  
6     (I) for a first conviction thereof, be punished by a fine of not less  
7 than [two hundred fifty] FOUR HUNDRED dollars nor more than [four  
8 hundred] SEVEN HUNDRED FIFTY dollars or by imprisonment for not more  
9 than thirty days or by both such fine and imprisonment;  
10    (II) for a conviction of a second violation, both of which were  
11 committed within a period of three years, such person shall be punished  
12 by a fine of not less than [six hundred dollars] NINE HUNDRED FIFTY nor  
13 more than [seven hundred fifty] ONE THOUSAND ONE HUNDRED FIFTY dollars  
14 or by imprisonment for not more than one hundred eighty days or by both  
15 such fine and imprisonment;  
16    (III) upon a conviction of a third or subsequent violation, all of  
17 which were committed within a period of three years, such person shall  
18 be punished by a fine of not less than [seven hundred fifty] ONE THOU-  
19 SAND ONE HUNDRED FIFTY dollars nor more than [one thousand] ONE THOUSAND  
20 FIVE HUNDRED dollars or by imprisonment for not more than one hundred  
21 eighty days or by both such fine and imprisonment;

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

LBD01222-01-1

1 (IV) WHERE AN INDIVIDUAL CONVICTED OF VIOLATING SUBDIVISION (A) OF  
2 THIS SECTION AND (1) ALSO CAUSES INJURY TO A PERSON SUCH INDIVIDUAL  
3 SHALL BE CHARGED WITH THE CRIME OF AGGRAVATED VEHICULAR ASSAULT AS  
4 DEFINED IN SECTION 120.04-A OF THE PENAL LAW OR (2) ALSO CAUSES THE  
5 DEATH OF A PERSON, SUCH INDIVIDUAL SHALL BE CHARGED WITH THE CRIME OF  
6 CRIMINALLY NEGLIGENT HOMICIDE AS DEFINED IN SECTION 125.10 OF THE PENAL  
7 LAW.

8 S 2. Subdivision 5 of section 120.04-a of the penal law, as amended by  
9 chapter 496 of the laws of 2009, is amended to read as follows:

10 (5) has previously been convicted of violating any provision of this  
11 article or article one hundred twenty-five of this title involving the  
12 operation of a motor vehicle, or was convicted in any other state or  
13 jurisdiction of an offense involving the operation of a motor vehicle  
14 which, if committed in this state, would constitute a violation of this  
15 article or article one hundred twenty-five of this title OR IS CONVICTED  
16 OF VIOLATING ANY PROVISION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED  
17 SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW; or

18 S 3. This act shall take effect immediately.