

515--A

Cal. No. 674

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MAZIARZ, AVELLA, DeFRANCISCO, HANNON, JOHNSON, LARKIN, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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-

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

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1 SAND ONE HUNDRED FIFTY dollars nor more than [one thousand] ONE THOUSAND
2 FIVE HUNDRED dollars or by imprisonment for not more than one hundred
3 eighty days or by both such fine and imprisonment.

4 S 2. Subdivision 6 of section 120.04-a of the penal law, as added by
5 chapter 496 of the laws of 2009, is amended and a new subdivision 7 is
6 added to read as follows:

7 (6) commits such crime while operating a motor vehicle while a child
8 who is fifteen years of age or less is a passenger in such motor vehicle
9 and causes serious physical injury to such child[.]; OR

10 (7) VIOLATES ANY PROVISION OF SUBDIVISION (A) OF SECTION ELEVEN
11 HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW AND IN THE COMMIS-
12 SION OF SUCH OFFENSE CAUSES INJURY TO A PERSON.

13 S 3. Section 125.10 of the penal law is amended to read as follows:

14 S 125.10 Criminally negligent homicide.

15 A person is guilty of criminally negligent homicide when[, with]:

16 1. WITH criminal negligence, he OR SHE causes the death of another
17 person[.]; OR

18 2. HE OR SHE CAUSES THE DEATH OF ANOTHER PERSON WHILE OPERATING A
19 MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED
20 SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW.

21 Criminally negligent homicide is a class E felony.

22 S 4. This act shall take effect immediately.