

7577

I N S E N A T E

June 5, 2012

Introduced by Sen. GALLIVAN -- 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, in relation to leaving the scene of an incident without reporting

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

1 Section 1. Section 600 of the vehicle and traffic law, as amended by
2 chapter 49 of the laws of 2005, is amended to read as follows:
3 S 600. Leaving scene of an incident without reporting. 1. Property
4 damage. a. Any person operating a motor vehicle who, knowing or having
5 cause to know that damage has been caused to the real property or to the
6 personal property, not including animals, of another, due to an incident
7 involving the motor vehicle operated by such person OR IS OPERATING SUCH
8 VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS AS DEFINED UNDER
9 SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER, shall, before leaving
10 the place where the damage occurred, stop, exhibit his or her license
11 and insurance identification card for such vehicle, when such card is
12 required pursuant to articles six and eight of this chapter, and give
13 his or her name, residence, including street and number, insurance
14 carrier and insurance identification information including but not
15 limited to the number and effective dates of said individual's insurance
16 policy, and license number to the party sustaining the damage, or in
17 case the person sustaining the damage is not present at the place where
18 the damage occurred then he or she shall report the same as soon as
19 physically able to the nearest police station, or judicial officer.
20 b. It shall be the duty of any member of a law enforcement agency who
21 is at the scene of the accident to request the said operator or opera-
22 tors of the motor vehicles, when physically capable of doing so, to
23 exchange the information required hereinabove and such member of a law
24 enforcement agency shall assist such operator or operators in making
25 such exchange of information in a reasonable and harmonious manner.
26 A violation of the provisions of paragraph a of this subdivision shall
27 constitute a traffic infraction punishable by a fine of up to two

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

LBD16137-01-2

1 hundred fifty dollars or a sentence of imprisonment for up to fifteen
2 days or both such fine and imprisonment.

3 2. Personal injury. a. Any person operating a motor vehicle who, know-
4 ing or having cause to know that personal injury has been caused to
5 another person, due to an incident involving the motor vehicle operated
6 by such person OR IS OPERATING SUCH VEHICLE WHILE UNDER THE INFLUENCE OF
7 ALCOHOL OR DRUGS AS DEFINED UNDER SECTION ELEVEN HUNDRED NINETY-TWO OF
8 THIS CHAPTER, shall, before leaving the place where the said personal
9 injury occurred, stop, exhibit his or her license and insurance iden-
10 tification card for such vehicle, when such card is required pursuant to
11 articles six and eight of this chapter, and give his or her name, resi-
12 dence, including street and street number, insurance carrier and insur-
13 ance identification information including but not limited to the number
14 and effective dates of said individual's insurance policy and license
15 number, to the injured party, if practical, and also to a police offi-
16 cer, or in the event that no police officer is in the vicinity of the
17 place of said injury, then, he or she shall report said incident as soon
18 as physically able to the nearest police station or judicial officer.

19 b. It shall be the duty of any member of a law enforcement agency who
20 is at the scene of the accident to request the said operator or opera-
21 tors of the motor vehicles, when physically capable of doing so, to
22 exchange the information required hereinabove and such member of a law
23 enforcement agency shall assist such operator or operators in making
24 such exchange of information in a reasonable and harmonious manner.

25 c. A violation of the provisions of paragraph a of this subdivision
26 resulting solely from the failure of an operator to exhibit his or her
27 license and insurance identification card for the vehicle or exchange
28 the information required in such paragraph shall constitute a class B
29 misdemeanor punishable by a fine of not less than two hundred fifty nor
30 more than five hundred dollars in addition to any other penalties
31 provided by law. Any subsequent such violation shall constitute a class
32 A misdemeanor punishable by a fine of not less than five hundred nor
33 more than one thousand dollars in addition to any other penalties
34 provided by law. Any violation of the provisions of paragraph a of this
35 subdivision, other than for the mere failure of an operator to exhibit
36 his or her license and insurance identification card for such vehicle or
37 exchange the information required in such paragraph, shall constitute a
38 class A misdemeanor, punishable by a fine of not less than five hundred
39 dollars nor more than one thousand dollars in addition to any other
40 penalties provided by law. Any such violation committed by a person
41 after such person has previously been convicted of such a violation
42 shall constitute a class E felony, punishable by a fine of not less than
43 one thousand nor more than two thousand five hundred dollars in addition
44 to any other penalties provided by law. Any violation of the provisions
45 of paragraph a of this subdivision, other than for the mere failure of
46 an operator to exhibit his or her license and insurance identification
47 card for such vehicle or exchange the information required in such para-
48 graph, where the personal injury involved (i) results in serious phys-
49 ical injury, as defined in section 10.00 of the penal law, shall consti-
50 tute a class E felony, punishable by a fine of not less than one
51 thousand nor more than five thousand dollars in addition to any other
52 penalties provided by law, or (ii) results in death shall constitute a
53 class D felony punishable by a fine of not less than two thousand nor
54 more than five thousand dollars in addition to any other penalties
55 provided by law.

56 S 2. This act shall take effect immediately.