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I N   A S S E M B L Y

February 7, 2012

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Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing police officers to arrest a driver of a motor vehicle without a warrant in certain circumstances when the officer has reasonable cause to believe that such person has failed to use due care in the operation of a motor vehicle

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

1     Section 1. Section 1146 of the vehicle and traffic law is amended by  
2     adding a new subdivision (f) to read as follows:  
3     (F) NOTWITHSTANDING THE PROVISIONS OF SECTION 140.10 OF THE CRIMINAL  
4     PROCEDURE LAW, A POLICE OFFICER MAY, WITHOUT A WARRANT, ARREST A PERSON,  
5     IN CASE OF A VIOLATION OF SUBDIVISION (B) OR (C) OF THIS SECTION, IF  
6     SUCH VIOLATION IS COUPLED WITH AN ACCIDENT OR COLLISION IN WHICH SUCH  
7     PERSON IS INVOLVED, WHICH IN FACT HAS BEEN COMMITTED, THOUGH NOT IN THE  
8     POLICE OFFICER'S PRESENCE, WHEN THE OFFICER HAS REASONABLE CAUSE TO  
9     BELIEVE THAT THE VIOLATION WAS COMMITTED BY SUCH PERSON.  
10     S 2. This act shall take effect immediately.

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

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