S T A T E O F N E W Y O R K

318

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. MAGNARELLI, BENEDETTO, BENJAMIN, EDDINGTON, FIELDS, GALEF, GUNTHER, HOOPER, HOYT, ORTIZ, J. RIVERA, P. RIVERA, SCHIMEL -- Multi-Sponsored by -- M. of A. CLARK, JOHN, KOON, MAGEE, McENENY, MOLINARO, PHEFFER, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to prohibiting a child under the age of seven from being left unattended in a motor vehicle

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

Section 1. The vehicle and traffic law is amended by adding a new section 1210-a to read as follows:

S 1210-A. UNATTENDED CHILD IN A MOTOR VEHICLE. 1. ANY PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE OR CUSTODY OF A CHILD LESS THAN SEVEN YEARS OLD, WHO LEAVES SUCH CHILD INSIDE A MOTOR VEHICLE WITHOUT THE SUPERVISION OF A PERSON WHO IS AT LEAST TWELVE YEARS OF AGE, UNDER CONDITIONS WHICH KNOWINGLY OR RECKLESSLY PRESENT A SIGNIFICANT RISK TO THE HEALTH OR SAFETY OF SUCH CHILD, SHALL BE GUILTY OF AN INFRACTION.

2. A PERSON CONVICTED OF AN INFRACTION OF A VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL, FOR A FIRST CONVICTION THEREOF, BE PUNISHED BY A FINE OF NOT MORE THAN FIFTY DOLLARS. UPON A CONVICTION OF A SECOND VIOLATION, COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS OF THE FIRST VIOLATION, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS. UPON A CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION, ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS, AND SUCH PERSON SHALL APPEAR PERSONALLY IN COURT FOR SENTENCING.

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

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3. NOTHING IN THIS SECTION SHALL PROHIBIT THE PROSECUTION OF A PERSON VIOLATING OR CONVICTED OF VIOLATING THE PROVISIONS OF THIS SECTION FROM BEING PROSECUTED UNDER ANY SECTION OF THE LAW.

S 2. This act shall take effect immediately.