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2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The vehicle and traffic law is amended by adding a new  
2     section 1210-a to read as follows:  
3     S 1210-A. UNATTENDED CHILD IN A MOTOR VEHICLE. 1. ANY PARENT, GUARDI-  
4     AN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE OR CUSTODY OF A CHILD  
5     LESS THAN SEVEN YEARS OLD, WHO LEAVES SUCH CHILD INSIDE A MOTOR VEHICLE  
6     WITHOUT THE SUPERVISION OF A PERSON WHO IS AT LEAST TWELVE YEARS OF AGE,  
7     UNDER CONDITIONS WHICH KNOWINGLY OR RECKLESSLY PRESENT A SIGNIFICANT  
8     RISK TO THE HEALTH OR SAFETY OF SUCH CHILD, SHALL BE GUILTY OF AN  
9     INFRACTION.  
10    2. A PERSON CONVICTED OF AN INFRACTION OF A VIOLATION OF SUBDIVISION  
11    ONE OF THIS SECTION SHALL, FOR A FIRST CONVICTION THEREOF, BE PUNISHED  
12    BY A FINE OF NOT MORE THAN FIFTY DOLLARS. UPON A CONVICTION OF A SECOND  
13    VIOLATION, COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS OF THE FIRST  
14    VIOLATION, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT MORE THAN ONE  
15    HUNDRED DOLLARS. UPON A CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION,  
16    ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH  
17    PERSON SHALL BE PUNISHED BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY  
18    DOLLARS, AND SUCH PERSON SHALL APPEAR PERSONALLY IN COURT FOR SENTENC-  
19    ING.

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

LBD00506-01-9

1       3. NOTHING IN THIS SECTION SHALL PROHIBIT THE PROSECUTION OF A PERSON  
2 VIOLATING OR CONVICTED OF VIOLATING THE PROVISIONS OF THIS SECTION FROM  
3 BEING PROSECUTED UNDER ANY SECTION OF THE LAW.  
4       S 2. This act shall take effect immediately.