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

8438

2009-2010 Regular Sessions

I N A S S E M B L Y

May 20, 2009

Introduced by M. of A. TITONE, ABBATE, ESPAILLAT, GABRYSZAK, PAULIN, SPANO, McDONOUGH, MOLINARO, RAIA, TOWNSEND, WALKER, FIELDS -- Multi-Sponsored by -- M. of A. BOYLAND, GUNTHER, McKEVITT, PHEFFER, REILLY, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT enacting "Michelle and Jordan's Law"; and to amend the vehicle and traffic law, in relation to speed contests and races

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

Section 1. Short title. This act shall be known and may be cited as "Michelle and Jordan's Law".

S 2. Section 1182 of the vehicle and traffic law, as amended by chapter 594 of the laws of 1987, subdivisions 1 and 2 as amended by section 9 of part C of chapter 62 of the laws of 2003, is amended to read as follows:

S 1182. Speed contests and races. 1. Except as provided in section eleven hundred eighty-two-a of this article or section sixteen hundred thirty, sixteen hundred forty, sixteen hundred forty-two or sixteen hundred sixty of this chapter, no races, exhibitions or contests of speed shall be held and no person shall engage in or aid or abet in any motor vehicle or other speed contest or exhibition of speed on a highway. Such event, if held, shall be fully and efficiently patrolled for the entire distance over which such race, exhibition or contest for speed is to be held. Participants in a race, exhibition or contest of speed are exempted from compliance with any traffic laws otherwise applicable thereto, but shall exercise reasonable care. A violation of any of the provisions of this section shall constitute a CLASS A misdemeanor and be punishable by imprisonment of not more than thirty days or a fine of not less than three hundred dollars nor more than five hundred twenty-five dollars, or both such fine and imprisonment.

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

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2. A second conviction within twelve months of a violation of this section SHALL CONSTITUTE A CLASS E FELONY AND shall be punishable by imprisonment of [not more than six months] UP TO ONE YEAR AND ONE DAY or a fine of not less than five hundred twenty-five dollars nor more than seven hundred fifty dollars, or both such fine and imprisonment.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately the commissioner of motor vehicles may add, amend, or repeal any rule or regulation necessary for the timely implementation of this act on its effective date.