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

1638

2009-2010 Regular Sessions

I N S E N A T E

February 3, 2009

Introduced by Sen. VALESKY -- 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 and the navigation law, in relation to increasing penalties for certain obstructed view for drivers of motor vehicles and operators of vessels that result in injury or death

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

Section 1. Section 1213 of the vehicle and traffic law, as amended by chapter 621 of the laws of 1963, is amended to read as follows:

S 1213. Obstruction to driver's view or driving mechanism. (a) No person shall drive a motor vehicle when it is so loaded, or when there are in the front seat such number of persons as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle. In no event shall there be more than three persons in the front seat of any vehicle, except where such seat has been constructed to accommodate more than three persons and there is eighteen inches of seating capacity for each passenger or occupant in said front seat.

(b) No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides, or to interfere with his OR HER control over the driving mechanism of the vehicle.

(C) A VIOLATION OF SUBDIVISION (A) OR (B) OF THIS SECTION THAT RESULTS IN AN INJURY TO ANOTHER PERSON SHALL CONSTITUTE A CLASS A MISDEMEANOR. A VIOLATION OF SUBDIVISION (A) OR (B) OF THIS SECTION THAT RESULTS IN THE DEATH OF ANOTHER PERSON SHALL CONSTITUTE A CLASS E FELONY.

S 2. The navigation law is amended by adding a new section 45-e to read as follows:

S 45-E. RECKLESS OPERATION OF A VESSEL; OBSTRUCTION TO OPERATOR'S VIEW OR OPERATING MECHANISM. 1. NO PERSON SHALL OPERATE A MECHANICALLY PROPELLED VESSEL WHEN IT IS SO LOADED, OR WHEN THERE ARE SUCH NUMBER OF

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

LBD05046-01-9

PERSONS AS TO OBSTRUCT THE VIEW OF THE OPERATOR TO THE FRONT OR SIDES OF THE VESSEL OR AS TO INTERFERE WITH THE OPERATOR'S CONTROL OVER THE OPERATING MECHANISM OF THE VESSEL.

2. NO PASSENGER IN A MECHANICALLY PROPELLED VESSEL SHALL RIDE IN SUCH A POSITION AS TO INTERFERE WITH THE OPERATOR'S VIEW AHEAD OR TO THE SIDES, OR TO INTERFERE WITH HIS OR HER CONTROL OVER THE OPERATING MECHANISM OF THE VESSEL.

3. A VIOLATION OF SUBDIVISION ONE OR TWO OF THIS SECTION THAT RESULTS IN AN INJURY TO ANOTHER PERSON SHALL CONSTITUTE A CLASS A MISDEMEANOR. A VIOLATION OF SUBDIVISION ONE OR TWO OF THIS SECTION THAT RESULTS IN THE DEATH OF ANOTHER PERSON SHALL CONSTITUTE A CLASS E FELONY.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.