

2009-2010 Regular Sessions

I N S E N A T E

January 15, 2009

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the navigation law and the vehicle and traffic law, in relation to including passengers of vessels and motor vehicles as persons required to report an accident

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

1 Section 1. Section 47 of the navigation law, as added by chapter 587
2 of the laws of 2003, paragraph (a) of subdivision 1 and paragraph (a) of
3 subdivision 2 as amended by chapter 484 of the laws of 2005, is amended
4 to read as follows:
5 S 47. Leaving the scene of an accident without reporting. 1. (a) When-
6 ever any vessel, including, but not limited to, rowboats, canoes and
7 kayaks, meets with an accident involving damage to any vessel or to the
8 real property or to the personal property, not including animals, of
9 another due to an accident involving such vessel and the operator OR
10 PASSENGER thereof has knowledge of such accident, such operator OR
11 PASSENGER shall, before leaving the place where the damage occurred,
12 stop and give his or her name and address, the name and address of the
13 owner thereof and the identification number, if any, assigned to such
14 vessel to the person sustaining the damage. In the event the person
15 sustaining the damage cannot be located at the place where the damage
16 occurred, then the operator OR PASSENGER of such vessel shall report the
17 same as soon as physically able to the nearest police officer, police
18 station, bay constable or judicial officer.
19 (b) A violation of the provisions of paragraph (a) of this subdivision
20 shall constitute a violation punishable as set forth in section seven-
21 ty-three-c of this article.
22 2. (a) Every operator OR PASSENGER of a vessel, including, but not
23 limited to, rowboats, canoes and kayaks, who, knowing or having cause to
24 know that personal injury has been caused to another person, or another
25 person has disappeared under the water, due to an accident involving
26 such vessel shall, before leaving the place where the said incident

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

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1 involving personal injury occurred, stop, give such operator's OR
2 PASSENGER'S name and address, the name and address of the owner of such
3 vessel and the identification number, if any, assigned to such vessel to
4 the injured party, if practical, and shall report said accident as soon
5 as physically able to the nearest police officer, police station, bay
6 constable or judicial officer.

7 (b) The first violation of the provisions of paragraph (a) of this
8 subdivision involving personal injury to another person shall constitute
9 a class B misdemeanor punishable by a fine of not less than two hundred
10 fifty nor more than five hundred dollars in addition to any other penal-
11 ties provided by law. Any subsequent violation involving personal injury
12 to another person after a conviction for a violation of such paragraph
13 within the preceding five years shall constitute a class A misdemeanor
14 punishable by a fine of not less than five hundred nor more than one
15 thousand dollars in addition to any other penalties provided by law. Any
16 violation of the provisions of this subdivision, other than the mere
17 failure of a vessel operator OR PASSENGER to provide the name and
18 address of the vessel owner and/or the identification number of the
19 vessel, where the personal injury involved results in death or serious
20 physical injury, as defined in section 10.00 of the penal law, or where
21 a person has disappeared under the water as the result of the incident
22 shall constitute a class E felony.

23 3. The provisions of this section shall not apply to commercial
24 vessels having a valid marine document issued by the United States or a
25 foreign government.

26 S 2. Section 600 of the vehicle and traffic law, as amended by chapter
27 49 of the laws of 2005, is amended to read as follows:

28 S 600. Leaving scene of an incident without reporting. 1. Property
29 damage. a. Any person operating a motor vehicle OR PASSENGER IN SUCH
30 MOTOR VEHICLE who, knowing or having cause to know that damage has been
31 caused to the real property or to the personal property, not including
32 animals, of another, due to an incident involving the motor vehicle
33 operated by such person OR IN WHICH SUCH PERSON WAS A PASSENGER shall,
34 before leaving the place where the damage occurred, stop, exhibit his or
35 her license and insurance identification card for such vehicle, when
36 such card is required pursuant to articles six and eight of this chap-
37 ter, and give his or her name, residence, including street and number,
38 insurance carrier and insurance identification information including but
39 not limited to the number and effective dates of said individual's
40 insurance policy, and license number to the party sustaining the damage,
41 or in case the person sustaining the damage is not present at the place
42 where the damage occurred then he or she shall report the same as soon
43 as physically able to the nearest police station, or judicial officer.

44 b. It shall be the duty of any member of a law enforcement agency who
45 is at the scene of the accident to request the said operator or opera-
46 tors OR ANY PASSENGER of the motor vehicles, when physically capable of
47 doing so, to exchange the information required hereinabove and such
48 member of a law enforcement agency shall assist such operator or opera-
49 tors OR ANY PASSENGER in making such exchange of information in a
50 reasonable and harmonious manner.

51 A violation of the provisions of paragraph a of this subdivision shall
52 constitute a traffic infraction punishable by a fine of up to two
53 hundred fifty dollars or a sentence of imprisonment for up to fifteen
54 days or both such fine and imprisonment.

55 2. Personal injury. a. Any person operating a motor vehicle OR
56 PASSENGER IN SUCH MOTOR VEHICLE who, knowing or having cause to know

1 that personal injury has been caused to another person, due to an inci-
2 dent involving the motor vehicle operated by such person OR IN WHICH
3 SUCH PERSON WAS A PASSENGER shall, before leaving the place where the
4 said personal injury occurred, stop, exhibit his or her license and
5 insurance identification card for such vehicle, when such card is
6 required pursuant to articles six and eight of this chapter, and give
7 his or her name, residence, including street and street number, insur-
8 ance carrier and insurance identification information including but not
9 limited to the number and effective dates of said individual's insurance
10 policy and license number, to the injured party, if practical, and also
11 to a police officer, or in the event that no police officer is in the
12 vicinity of the place of said injury, then, he or she shall report said
13 incident as soon as physically able to the nearest police station or
14 judicial officer.

15 b. It shall be the duty of any member of a law enforcement agency who
16 is at the scene of the accident to request the said operator or opera-
17 tors OR ANY PASSENGER of the motor vehicles, when physically capable of
18 doing so, to exchange the information required hereinabove and such
19 member of a law enforcement agency shall assist such operator or opera-
20 tors OR ANY PASSENGER in making such exchange of information in a
21 reasonable and harmonious manner.

22 c. A violation of the provisions of paragraph a of this subdivision
23 resulting solely from the failure of an operator OR PASSENGER to exhibit
24 his or her license and insurance identification card for the vehicle or
25 exchange the information required in such paragraph shall constitute a
26 class B misdemeanor punishable by a fine of not less than two hundred
27 fifty nor more than five hundred dollars in addition to any other penal-
28 ties provided by law. Any subsequent such violation shall constitute a
29 class A misdemeanor punishable by a fine of not less than five hundred
30 nor more than one thousand dollars in addition to any other penalties
31 provided by law. Any violation of the provisions of paragraph a of this
32 subdivision, other than for the mere failure of an operator OR PASSENGER
33 to exhibit his or her license and insurance identification card for such
34 vehicle or exchange the information required in such paragraph, shall
35 constitute a class A misdemeanor, punishable by a fine of not less than
36 five hundred dollars nor more than one thousand dollars in addition to
37 any other penalties provided by law. Any such violation committed by a
38 person after such person has previously been convicted of such a
39 violation shall constitute a class E felony, punishable by a fine of not
40 less than one thousand nor more than two thousand five hundred dollars
41 in addition to any other penalties provided by law. Any violation of the
42 provisions of paragraph a of this subdivision, other than for the mere
43 failure of an operator OR PASSENGER to exhibit his or her license and
44 insurance identification card for such vehicle or exchange the informa-
45 tion required in such paragraph, where the personal injury involved (i)
46 results in serious physical injury, as defined in section 10.00 of the
47 penal law, shall constitute a class E felony, punishable by a fine of
48 not less than one thousand nor more than five thousand dollars in addi-
49 tion to any other penalties provided by law, or (ii) results in death
50 shall constitute a class D felony punishable by a fine of not less than
51 two thousand nor more than five thousand dollars in addition to any
52 other penalties provided by law.

53 S 3. This act shall take effect on the first of November next succeed-
54 ing the date on which it shall have become a law.