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

11704

I N A S S E M B L Y

September 27, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lancman) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of assault of an operator of a for-hire vehicle

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

Section 1. This act shall be known and may be cited as the "taxi driver protection act".

S 2. Paragraph (a) of subdivision 2 of section 60.07 of the penal law, as added by chapter 148 of the laws of 2000, is amended and a new subdivision 3 is added to read as follows:

(a) the term "specified offense" shall mean an attempt to commit murder in the second degree as defined in section 125.25 of this chapter, gang assault in the first degree as defined in section 120.07 of this chapter, gang assault in the second degree as defined in section 120.06 of this chapter, assault in the first degree as defined in section 120.10 of this chapter, manslaughter in the first degree as defined in section 125.20 of this chapter, manslaughter in the second degree as defined in section 125.15 of this chapter, robbery in the first degree as defined in section 160.15 of this chapter, robbery in the second degree as defined in section 160.10 of this chapter, or the attempted commission of any of the following offenses: gang assault in the first degree as defined in section 120.07, assault in the first degree as defined in section 120.10, ASSAULT IN THE SECOND DEGREE AS DEFINED IN SECTION 120.05 OF THIS CHAPTER, manslaughter in the first degree as defined in section 125.20 or robbery in the first degree as defined in section 160.15;

3. EVERY FOR-HIRE VEHICLE SHALL POST A SIGN ON THE INTERIOR OF SUCH VEHICLE STATING IN NOT LESS THAN SIXTEEN POINT PRINT THAT "WARNING: ASSAULTING A TAXI DRIVER IS PUNISHABLE BY UP TO TWENTY-FIVE YEARS IN PRISON" PROVIDED, THAT OPERATORS OF LIVERY OR BLACK CAR VEHICLES SHALL HAVE THE RIGHT BUT NOT THE OBLIGATION TO POST SUCH A SIGN WHILE PROVIDING FOR-HIRE VEHICLE SERVICES.

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

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S 3. Subdivision 11 of section 120.05 of the penal law, as separately amended by chapters 318 and 345 of the laws of 2010, is amended to read as follows:

11. With intent to cause physical injury to a train operator, OPERATOR OF A FOR-HIRE VEHICLE, ticket inspector, conductor, signalperson, bus operator or station agent employed by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a traffic enforcement officer, traffic enforcement agent or sanitation enforcement agent, registered nurse or licensed practical nurse he or she causes physical injury to such train operator, OPERATOR OF A FOR-HIRE VEHICLE, ticket inspector, conductor, signalperson, bus operator or station agent, city marshal, traffic enforcement officer, traffic enforcement agent, registered nurse or licensed practical nurse or sanitation enforcement agent, while such employee is performing an assigned duty on, or directly related to, the operation of a train, FOR-HIRE VEHICLE or bus, or such city marshal, traffic enforcement officer, traffic enforcement agent, registered nurse or licensed practical nurse or sanitation enforcement agent is performing an assigned duty.

S 4. This act shall take effect November 1, 2010, provided that if chapter 318 of the laws of 2010 has not taken effect by such date, then section three of this act shall take effect on the same date and in the same manner as such chapter.