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

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. SWEENEY, JOHN, KOON, FIELDS, GALEF -- Multi-Sponsored by -- M. of A. CLARK, COLTON, COOK, CYMBROWITZ, DESTITO, GUNTHER, HOOPER, MAGEE, MAYERSOHN, MILLMAN, ORTIZ, PHEFFER, SCARBOROUGH, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to aggressive driving

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

Section 1. The vehicle and traffic law is amended by adding a new section 1183 to read as follows:

S 1183. AGGRESSIVE DRIVING. 1. A PERSON COMMITS AGGRESSIVE DRIVING IF BOTH OF THE FOLLOWING OCCUR: (A) DURING A COURSE OF CONDUCT THE PERSON COMMITS A VIOLATION OF EITHER SECTION ELEVEN HUNDRED EIGHTY OR ELEVEN HUNDRED EIGHTY-A OF THIS ARTICLE AND COMMITS AT LEAST TWO VIOLATIONS OF ANY OF THE PROVISIONS FOUND IN ARTICLES TWENTY-FOUR, TWENTY-FIVE, TWENTY-SIX, TWENTY-EIGHT, TWENTY-NINE OR THIRTY-FOUR-A OF THIS CHAPTER; AND

(B) THE PERSON'S DRIVING IS AN IMMEDIATE HAZARD TO ANOTHER PERSON OR VEHICLE.

2. FOR THE PURPOSES OF THIS SECTION "COURSE OF CONDUCT" SHALL MEAN A SERIES OF ACTS COMMITTED DURING A SINGLE, CONTINUOUS PERIOD OF DRIVING.

3. A VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL BE AN INFRACTION PUNISHABLE BY A FINE OF NOT LESS THAN FOUR HUNDRED DOLLARS NOR MORE THAN EIGHT HUNDRED DOLLARS. THE COURT MAY REQUIRE A PERSON CONVICTED OF A VIOLATION OF SUBDIVISION ONE OF THIS SECTION TO ATTEND AND SUCCESSFULLY COMPLETE A DEPARTMENT-APPROVED DEFENSIVE DRIVING COURSE AND MAY SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR A PERIOD OF NINETY DAYS.

4. A PERSON CONVICTED OF A VIOLATION OF THIS SECTION AFTER HAVING BEEN CONVICTED OF A VIOLATION OF THIS SECTION WITHIN THE PRIOR FIVE YEARS SHALL BE GUILTY OF A CLASS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT

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

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MORE THAN ONE THOUSAND DOLLARS, IMPRISONMENT OF NOT MORE THAN ONE YEAR, OR BOTH.

5. WHERE THE COURT IMPOSES A SENTENCE UNDER SUBDIVISION FOUR OF THIS SECTION, THE COURT SHALL REQUIRE A PERSON TO ATTEND AND SUCCESSFULLY COMPLETE A DEPARTMENT-APPROVED DEFENSIVE DRIVING COURSE AND SHALL SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS.

6. A PERSON IS GUILTY OF AGGRAVATED AGGRESSIVE DRIVING WHEN SUCH PERSON COMMITS THE OFFENSE OF AGGRESSIVE DRIVING AS PROVIDED IN THIS SECTION AND SUCH OFFENSE RESULTS IN EITHER SERIOUS PHYSICAL INJURY OR DEATH TO ANOTHER PERSON OR PROPERTY DAMAGE EXCEEDING FIFTEEN HUNDRED DOLLARS. AGGRAVATED AGGRESSIVE DRIVING SHALL BE A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN EIGHT HUNDRED DOLLARS NOR MORE THAN FIFTEEN HUNDRED DOLLARS, OR A TERM OF IMPRISONMENT OF UP TO ONE YEAR, OR BOTH SUCH FINE AND IMPRISONMENT.

7. WHERE THE COURT IMPOSES A SENTENCE UNDER SUBDIVISION SIX OF THIS SECTION, THE COURT SHALL SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR A PERIOD OF ONE YEAR.

S 2. Public outreach campaign. The department of motor vehicles, in consultation with the governor's traffic safety committee, shall develop, implement and engage in a public outreach campaign using audio, visual, and printed media to educate the public on the deleterious effect on highway safety of behavior patterns which constitute aggressive driving and aggravated aggressive driving. Such campaign shall be state-wide and shall extend to all classifications and ages. Such department shall, on or before February first of each year, issue a report to the governor and legislature reviewing such outreach program and the beneficial results, if any, in lowering incidents of such behavior.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided, the commissioner of motor vehicles shall promulgate necessary rules and regulations for the implementation of section 1183 of the vehicle and traffic law as added by section one of this act, prior to such effective date.