

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. MAGNARELLI, BENEDETTO, BENJAMIN, EDDINGTON, FIELDS, GALEF, GUNTHER, HOOPER, HOYT, ORTIZ, J. RIVERA, P. RIVERA, SCHIMEL -- Multi-Sponsored by -- M. of A. CLARK, JOHN, KOON, MAGEE, McENENY, MOLINARO, PHEFFER, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to prohibiting a child under the age of seven from being left unattended in a motor vehicle

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

- 1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1210-a to read as follows:
3 S 1210-A. UNATTENDED CHILD IN A MOTOR VEHICLE. 1. ANY PARENT, GUARDI-
4 AN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE OR CUSTODY OF A CHILD
5 LESS THAN SEVEN YEARS OLD, WHO LEAVES SUCH CHILD INSIDE A MOTOR VEHICLE
6 WITHOUT THE SUPERVISION OF A PERSON WHO IS AT LEAST TWELVE YEARS OF AGE,
7 UNDER CONDITIONS WHICH KNOWINGLY OR RECKLESSLY PRESENT A SIGNIFICANT
8 RISK TO THE HEALTH OR SAFETY OF SUCH CHILD, SHALL BE GUILTY OF AN
9 INFRACTION.
10 2. A PERSON CONVICTED OF AN INFRACTION OF A VIOLATION OF SUBDIVISION
11 ONE OF THIS SECTION SHALL, FOR A FIRST CONVICTION THEREOF, BE PUNISHED
12 BY A FINE OF NOT MORE THAN FIFTY DOLLARS. UPON A CONVICTION OF A SECOND
13 VIOLATION, COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS OF THE FIRST
14 VIOLATION, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT MORE THAN ONE
15 HUNDRED DOLLARS. UPON A CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION,
16 ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH
17 PERSON SHALL BE PUNISHED BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY
18 DOLLARS, AND SUCH PERSON SHALL APPEAR PERSONALLY IN COURT FOR SENTENC-
19 ING.

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

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1 3. NOTHING IN THIS SECTION SHALL PROHIBIT THE PROSECUTION OF A PERSON
2 VIOLATING OR CONVICTED OF VIOLATING THE PROVISIONS OF THIS SECTION FROM
3 BEING PROSECUTED UNDER ANY SECTION OF THE LAW.
4 S 2. This act shall take effect immediately.