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

4885

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ALESSI -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to establishing a toll-free statewide hot-line and database for reporting aggressive drivers

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 1225-d to read as follows:

S 1225-D. REPORTING AGGRESSIVE DRIVERS. 1. THE DEPARTMENT SHALL ESTABLISH A TOLL-FREE STATEWIDE HOT-LINE TELEPHONE NUMBER FOR THE PURPOSE OF PERMITTING MOTORISTS TO REPORT INCIDENTS OF AGGRESSIVE DRIVING OR OPERATORS EXHIBITING SYMPTOMS OF "ROAD RAGE" AS DEFINED BY THE COMMISSIONER. SUCH TOLL-FREE NUMBER SHALL BE USED BY PERSONS TO REPORT OBSERVATIONS OF PERSONS OPERATING A MOTOR VEHICLE IN AN AGGRESSIVE AND UNSAFE MANNER WHO MAY BE UNDER THE INFLUENCE OF "ROAD RAGE". UPON MAKING THE REPORT, SUCH PERSON SHALL PROVIDE HIS OR HER NAME, ADDRESS, PHONE NUMBER AND LICENSE PLATE NUMBER AND SHALL INDICATE WITH SPECIFICITY THEIR OBSERVATION INCLUDING, BUT NOT LIMITED TO, THE LICENSE PLATE OF THE MOTOR VEHICLE OBSERVED.

2. THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A DATABASE ON OPERATORS REPORTED TO THE HOT-LINE PURSUANT TO SUBDIVISION ONE OF THIS SECTION. SUCH DATABASE SHALL BE MAINTAINED FOR EVIDENTIARY PURPOSES IN PROCEEDINGS PURSUANT TO ARTICLE TWO-A OF THIS CHAPTER AND PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

3. THE DEPARTMENT SHALL ISSUE A MAILED NOTICE AND WARNING TO ANY OPERATOR ABOUT WHOM FIVE SEPARATE COMPLAINTS HAVE BEEN REPORTED THROUGH THE HOT-LINE. IF SUCH OPERATOR IS REPORTED FOR FIVE SUBSEQUENT OFFENSES, THE DEPARTMENT SHALL ISSUE A TRAFFIC INFRACTION TO SUCH OPERATOR SUBJECT TO A FINE OF TWO HUNDRED DOLLARS; PROVIDED, HOWEVER, IF THE OPERATOR IS ABLE TO REBUT THE CHARGE THAT SUCH OPERATOR WAS NOT ENGAGED IN AGGRES-

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

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SIVE DRIVING OR UNDER THE INFLUENCE OF "ROAD RAGE" OR WAS NOT THE PERSON OPERATING THE MOTOR VEHICLE IN AT LEAST FIVE OF THE REPORTED INCIDENTS, THIS SHALL BE VALID DEFENSE.

4. THE COMMISSIONER IS CHARGED WITH THE RESPONSIBILITY FOR DEFINING THE TERMS AGGRESSIVE DRIVING AND "ROAD RAGE", AS USED IN THIS SECTION, IN CONSULTATION WITH LAW ENFORCEMENT PERSONNEL, MEDICAL PROFESSIONALS, REPRESENTATIVES OF THE COURT SYSTEM, HIGHWAY SAFETY OFFICIALS, AND ANY OTHER GROUP THAT THE COMMISSIONER BELIEVES CAN CONTRIBUTE TO A COMPREHENSIVE STATEMENT OF THE ISSUE.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.