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

(PREFILED)

January 7, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to the offense of 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 1212-a to read as follows:

S 1212-A. AGGRESSIVE DRIVING. A PERSON IS GUILTY OF AGGRESSIVE DRIVING WHEN:

(A) HE OR SHE RECKLESSLY OPERATES A MOTOR VEHICLE ON A PUBLIC HIGHWAY IN A MANNER THAT CREATES A SUBSTANTIAL RISK OF SERIOUS PHYSICAL INJURY TO ANOTHER PERSON; OR

(B) HE OR SHE OPERATES A MOTOR VEHICLE ON A PUBLIC HIGHWAY WHILE DISPLAYING A DEADLY WEAPON, DANGEROUS INSTRUMENT OR WHAT REASONABLY APPEARS TO BE A PISTOL, REVOLVER, RIFLE, SHOTGUN, MACHINE GUN OR OTHER FIREARM IN SUCH A MANNER TO PLACE ANOTHER PERSON IN REASONABLE FEAR OF DEATH OR SERIOUS PHYSICAL INJURY; OR

(C) HE OR SHE OPERATES A MOTOR VEHICLE ON A PUBLIC HIGHWAY IN SUCH A MANNER TO PLACE ANOTHER PERSON IN REASONABLE FEAR OF DEATH OR SERIOUS PHYSICAL INJURY.

AGGRESSIVE DRIVING IS A MISDEMEANOR.

S 2. Subdivision (b) of section 1122 of the vehicle and traffic law is amended to read as follows:

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle [on audible signal] and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. ANY PERSON DELIBERATELY INCREASING THE SPEED OF HIS OR HER VEHICLE IN VIOLATION OF THIS SUBDIVISION SHALL BE GUILTY OF A MISDEMEANOR.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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