

1227

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. THOMPSON, C. JOHNSON, ONORATO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the penalty for violating certain provisions requiring a stop at a railroad crossing

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

1 Section 1. Paragraph 2 of subdivision (c) of section 1170 of the vehi-
2 cle and traffic law, as added by chapter 430 of the laws of 1996, is
3 amended to read as follows:
4 2. Any person convicted of a violation of this section resulting in an
5 accident which causes physical injury, as that term is defined pursuant
6 to subdivision nine of section 10.00 of the penal law, serious physical
7 injury, as that term is defined pursuant to subdivision ten of section
8 10.00 of the penal law, or death to another person, shall be guilty of a
9 [class E] felony AND SHALL BE SENTENCED TO A TERM OF IMPRISONMENT OF ONE
10 YEAR THEREFOR.
11 S 2. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502
12 of the vehicle and traffic law, as amended by chapter 585 of the laws of
13 2002, is amended to read as follows:
14 (i) Upon submission of an application for a driver's license, the
15 applicant shall be required to take and pass a test, or submit evidence
16 of passage of a test, with respect to the laws relating to traffic, the
17 laws relating to driving while ability is impaired and while intoxicat-
18 ed, under the overpowering influence of "Road Rage", or "Work Zone Safe-
19 ty" awareness as defined by the commissioner, the ability to read and
20 comprehend traffic signs and symbols, THE PENALTIES FOR VIOLATING
21 SECTION ELEVEN HUNDRED SEVENTY OF THIS CHAPTER PERTAINING TO OBEDIENCE
22 TO SIGNAL INDICATING APPROACH OF A TRAIN, and such other matters as the
23 commissioner may prescribe, and to satisfactorily complete a course

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

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1 prescribed by the commissioner of not less than four hours and not more
2 than five hours, consisting of classroom driver training and highway
3 safety instruction or the equivalent thereof. Such test shall include at
4 least seven written questions concerning the effects of consumption of
5 alcohol or drugs on the ability of a person to operate a motor vehicle
6 and the legal and financial consequences resulting from violations of
7 section eleven hundred ninety-two of this chapter, prohibiting the oper-
8 ation of a motor vehicle while under the influence of alcohol or drugs.
9 Such test shall include one or more written questions concerning the
10 devastating effects of "Road Rage" on the ability of a person to operate
11 a motor vehicle and the legal and financial consequences resulting from
12 assaulting, threatening or interfering with the lawful conduct of another
13 person legally using the roadway. Such test shall include one or more
14 questions concerning the potential dangers to persons and equipment
15 resulting from the unsafe operation of a motor vehicle in a work zone.
16 Such test shall be administered by the commissioner. The commissioner
17 shall cause the applicant to take a vision test and a test for color
18 blindness. Upon passage of the vision test, the application may be
19 accepted and the application fee shall be payable.

20 S 3. This act shall take effect on the first of November next succeed-
21 ing the date on which it shall have become a law.