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

2222

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sen. DIAZ -- 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 increasing penalties and requiring imprisonment for leaving the scene of an incident without reporting

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

Section 1. Section 600 of the vehicle and traffic law, as amended by chapter 49 of the laws of 2005, is amended to read as follows:

S 600. Leaving scene of an incident without reporting. 1. Property damage. a. Any person operating a motor vehicle who, knowing or having cause to know that damage has been caused to the real property or to the personal property, not including animals, of another, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the damage occurred, stop, exhibit his or her license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, and give his or her name, residence, including street and number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy, and license number to the party sustaining the damage, or in case the person sustaining the damage is not present at the place where the damage occurred then he or she shall report the same as soon as physically able to the nearest police station, or judicial officer.

b. It shall be the duty of any member of a law enforcement agency who is at the scene of the [accident] INCIDENT to request the said operator or operators of the motor vehicles, when physically capable of doing so, to exchange the information required [hereinabove] IN PARAGRAPH A OF THIS SUBDIVISION and such member of a law enforcement agency shall assist such operator or operators in making such exchange of information in a reasonable and harmonious manner.

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

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A violation of the provisions of paragraph a of this subdivision RESULTING SOLELY FROM THE FAILURE OF AN OPERATOR TO EXHIBIT HIS OR HER LICENSE AND IDENTIFICATION CARD FOR THE VEHICLE OR EXCHANGE THE INFORMATION REQUIRED IN SUCH PARAGRAPH shall constitute a traffic infraction punishable by a fine of [up to] NOT LESS THAN two hundred fifty dollars NOR MORE THAN FIVE HUNDRED DOLLARS or a sentence of imprisonment for up to fifteen days or both such fine and imprisonment. ANY VIOLATION OF THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION, OTHER THAN FOR THE MERE FAILURE OF AN OPERATOR TO EXHIBIT HIS OR HER LICENSE AND INSURANCE IDENTIFICATION CARD FOR SUCH VEHICLE OR EXCHANGE THE INFORMATION REQUIRED IN SUCH PARAGRAPH, SHALL CONSTITUTE A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN FIFTEEN HUNDRED DOLLARS AND A SENTENCE OF IMPRISONMENT OF NOT MORE THAN THREE MONTHS, IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

2. Personal injury. a. Any person operating a motor vehicle who, knowing or having cause to know that personal injury has been caused to another person, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the said personal injury occurred, stop, exhibit his or her license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, and give his or her name, residence, including street and street number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy and license number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then, he or she shall report said incident as soon as physically able to the nearest police station or judicial officer.

b. It shall be the duty of any member of a law enforcement agency who is at the scene of the [accident] INCIDENT to request the said operator or operators of the motor vehicles, when physically capable of doing so, to exchange the information required [hereinabove] IN PARAGRAPH A OF THIS SUBDIVISION and such member of a law enforcement agency shall assist such operator or operators in making such exchange of information in a reasonable and harmonious manner.

c. A violation of the provisions of paragraph a of this subdivision resulting solely from the failure of an operator to exhibit his or her license and insurance identification card for the vehicle or exchange the information required in such paragraph shall constitute a [class B] misdemeanor punishable by a fine of not less than [two hundred fifty] FIVE HUNDRED nor more than [five hundred] ONE THOUSAND dollars, AND A SENTENCE OF IMPRISONMENT OF NOT MORE THAN ONE YEAR, in addition to any other penalties provided by law. Any subsequent [such] violation shall constitute a [class A misdemeanor] FELONY punishable by a fine of not less than [five hundred] TWENTY-FIVE HUNDRED nor more than [one thousand] FIVE THOUSAND dollars, AND A SENTENCE OF IMPRISONMENT OF NOT LESS THAN ONE YEAR, in addition to any other penalties provided by law. Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, shall constitute a [class A misdemeanor] FELONY, punishable by a fine of not less than [five hundred] ONE THOUSAND dollars nor more than [one thousand] FIVE THOUSAND dollars in addition to any other penalties provided by law. Any such violation committed by a person after such person has previously been convicted of such a violation shall constitute a [class E] felony,

punishable by a fine of not less than [one thousand] TWENTY-FIVE HUNDRED nor more than [two] FIVE thousand five hundred dollars [in addition to any other penalties provided by law], AND A SENTENCE OF IMPRISONMENT OF NOT LESS THAN ONE YEAR, IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW. Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, where the personal injury involved (i) results in serious physical injury, as defined in section 10.00 of the penal law, shall constitute a [class E] felony, punishable by a fine of not less than [one thousand nor more than] five thousand dollars in addition to any other penalties provided by law FOR A CLASS D FELONY, or (ii) results in death shall constitute a [class D] felony punishable by a fine of not less than [two] FIVE thousand nor more than [five] TEN thousand dollars in addition to any other penalties provided by law FOR A CLASS C FELONY.

S 2. The vehicle and traffic law is amended by adding a new section 600-a to read as follows:

S 600-A. LEAVING THE SCENE OF AN INCIDENT WITHOUT REPORTING AFTER CONSUMING AN ALCOHOLIC BEVERAGE OR DRUG; PRESUMPTION. 1. ANY PERSON WHO VIOLATES PARAGRAPH A OF SUBDIVISION ONE OF SECTION SIX HUNDRED OF THIS ARTICLE WITHIN FOUR HOURS AFTER CONSUMING AN ALCOHOLIC BEVERAGE OR DRUG AS DEFINED IN THIS CHAPTER SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN THREE HUNDRED DOLLARS NOR MORE THAN SEVEN HUNDRED FIFTY DOLLARS AND A SENTENCE OF IMPRISONMENT OF NOT LESS THAN THIRTY DAYS NOR MORE THAN NINETY DAYS, AND SHALL BE PRESUMED TO HAVE COMMITTED THE VIOLATION TO AVOID PROSECUTION FOR A VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER.

2. ANY PERSON WHO VIOLATES PARAGRAPH B OF SUBDIVISION TWO OF SECTION SIX HUNDRED OF THIS ARTICLE WITHIN FOUR HOURS AFTER CONSUMING AN ALCOHOLIC BEVERAGE OR DRUG AS DEFINED IN THIS CHAPTER SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS AND A SENTENCE OF IMPRISONMENT FOR NOT LESS THAN THREE MONTHS NOR MORE THAN ONE YEAR, AND SHALL BE PRESUMED TO HAVE COMMITTED THE VIOLATION TO AVOID PROSECUTION FOR A VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER.

S 3. Section 602 of the vehicle and traffic law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

S 602. Arrest for violations of sections six hundred, SIX HUNDRED-A and six hundred one. A peace officer, acting pursuant to his OR HER special duties, or a police officer may, without a warrant, arrest a person, in case of violation of section six hundred, SECTION SIX HUNDRED-A and section six hundred one, which in fact have been committed, though not in his OR HER presence, when he OR SHE has reasonable cause to believe that the violation was committed by such person.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.