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I N S E N A T E

February 10, 2010

Introduced by Sen. FOLEY -- 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 and the penal law, in relation to increasing penalties for violation of overtaking and passing a school bus and creating the crime of vehicular homicide in the third degree

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

1 Section 1. Subdivision (c) of section 1174 of the vehicle and traffic  
2 law, as amended by chapter 254 of the laws of 2002, is amended to read  
3 as follows:

4 (c) Every person convicted of a violation of subdivision (a) of this  
5 section shall: for a first conviction thereof, be punished by a fine of  
6 not less than two hundred fifty dollars nor more than four hundred  
7 dollars or by imprisonment for not more than thirty days or by both such  
8 fine and imprisonment; for a conviction of a second violation, both of  
9 which were committed within a period of three years, such person shall  
10 be punished by a fine of not less than six hundred dollars nor more than  
11 seven hundred fifty dollars or by imprisonment for not more than one  
12 hundred eighty days or by both such fine and imprisonment; upon a  
13 conviction of a third or subsequent violation, all of which were commit-  
14 ted within a period of three years, such person shall be punished by a  
15 fine of not less than seven hundred fifty dollars nor more than [one]  
16 TWO thousand dollars or by imprisonment for not more than [one hundred  
17 eighty days] ONE YEAR or by both such fine and imprisonment.

18 S 2. Paragraph k of subdivision 3 of section 510 of the vehicle and  
19 traffic law, as amended by chapter 124 of the laws of 1992, is amended  
20 and a new paragraph l is added to read as follows:

21 k. for a period of up to ninety days because of the conviction of the  
22 holder of the offenses of menacing as defined in section 120.15 of the  
23 penal law, where such offense was committed against a traffic enforce-  
24 ment agent employed by the city of New York or the city of Buffalo while  
25 such agent was enforcing or attempting to enforce the traffic regu-  
26 lations of such city[.];

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

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1 L. FOR A PERIOD OF UP TO SIXTY DAYS FOR A VIOLATION OF SECTION ELEVEN  
2 HUNDRED SEVENTY-FOUR OF THIS CHAPTER.

3 S 3. The penal law is amended by adding a new section 125.11-A to read  
4 as follows:

5 S 125.11-A VEHICULAR MANSLAUGHTER IN THE THIRD DEGREE.

6 A PERSON IS GUILTY OF VEHICULAR MANSLAUGHTER IN THE THIRD DEGREE WHEN  
7 HE OR SHE VIOLATES SUBDIVISION (A) OF SECTION ELEVEN HUNDRED  
8 SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW AND CAUSES THE DEATH OF A  
9 CHILD WHO IS FIFTEEN YEARS OF AGE OR LESS.

10 VEHICULAR MANSLAUGHTER IN THE THIRD DEGREE IS A CLASS E FELONY.

11 S 4. This act shall take effect on the first of November next succeed-  
12 ing the date on which it shall have become a law.