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

7388

I N S E N A T E

April 6, 2010

Introduced by Sen. MAZIARZ -- 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 fines and penalties for passing a stopped school bus

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

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

(c) Every person convicted of a violation of subdivision (a) of this section shall BE SUBJECT TO THE FOLLOWING FINES AND PENALTIES:

(I) for a first conviction thereof, be punished by a fine of not less than [two hundred fifty] FOUR HUNDRED dollars nor more than [four hundred] SEVEN HUNDRED FIFTY dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment;

(II) for a conviction of a second violation, both of which were committed within a period of three years, such person shall be punished by a fine of not less than [six hundred dollars] NINE HUNDRED FIFTY nor more than [seven hundred fifty] ONE THOUSAND ONE HUNDRED FIFTY dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment;

(III) upon a conviction of a third or subsequent violation, all of which were committed within a period of three years, such person shall be punished by a fine of not less than [seven hundred fifty] ONE THOUSAND ONE HUNDRED FIFTY dollars nor more than [one thousand] ONE THOUSAND FIVE HUNDRED dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment;

(IV) WHERE AN INDIVIDUAL CONVICTED OF VIOLATING SUBDIVISION (A) OF THIS SECTION AND (1) ALSO CAUSES INJURY TO A PERSON SUCH INDIVIDUAL SHALL BE CHARGED WITH THE CRIME OF AGGRAVATED VEHICULAR ASSAULT AS DEFINED IN SECTION 120.04-A OF THE PENAL LAW OR (2) ALSO CAUSES THE DEATH OF A PERSON, SUCH INDIVIDUAL SHALL BE CHARGED WITH THE CRIME OF

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

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CRIMINALLY NEGLIGENT HOMICIDE AS DEFINED IN SECTION 125.10 OF THE PENAL LAW.

S 2. Subdivision 5 of section 120.04-a of the penal law, as amended by chapter 496 of the laws of 2009, is amended to read as follows:

(5) has previously been convicted of violating any provision of this article or article one hundred twenty-five of this title involving the operation of a motor vehicle, or was convicted in any other state or jurisdiction of an offense involving the operation of a motor vehicle which, if committed in this state, would constitute a violation of this article or article one hundred twenty-five of this title OR IS CONVICTED OF VIOLATING ANY PROVISION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW; or

S 3. This act shall take effect immediately.