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

758

2009-2010 Regular Sessions

I N S E N A T E

January 15, 2009

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the navigation law and the vehicle and traffic law, in relation to including passengers of vessels and motor vehicles as persons required to report an accident

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

Section 1. Section 47 of the navigation law, as added by chapter 587 of the laws of 2003, paragraph (a) of subdivision 1 and paragraph (a) of subdivision 2 as amended by chapter 484 of the laws of 2005, is amended to read as follows:

S 47. Leaving the scene of an accident without reporting. 1. (a) Whenever any vessel, including, but not limited to, rowboats, canoes and kayaks, meets with an accident involving damage to any vessel or to the real property or to the personal property, not including animals, of another due to an accident involving such vessel and the operator OR PASSENGER thereof has knowledge of such accident, such operator OR PASSENGER shall, before leaving the place where the damage occurred, stop and give his or her name and address, the name and address of the owner thereof and the identification number, if any, assigned to such vessel to the person sustaining the damage. In the event the person sustaining the damage cannot be located at the place where the damage occurred, then the operator OR PASSENGER of such vessel shall report the same as soon as physically able to the nearest police officer, police station, bay constable or judicial officer.

(b) A violation of the provisions of paragraph (a) of this subdivision shall constitute a violation punishable as set forth in section seventy-three-c of this article.

2. (a) Every operator OR PASSENGER of a vessel, including, but not limited to, rowboats, canoes and kayaks, who, knowing or having cause to know that personal injury has been caused to another person, or another person has disappeared under the water, due to an accident involving such vessel shall, before leaving the place where the said incident

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

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involving personal injury occurred, stop, give such operator's OR PASSENGER'S name and address, the name and address of the owner of such vessel and the identification number, if any, assigned to such vessel to the injured party, if practical, and shall report said accident as soon as physically able to the nearest police officer, police station, bay constable or judicial officer.

(b) The first violation of the provisions of paragraph (a) of this subdivision involving personal injury to another person shall constitute a class B misdemeanor punishable by a fine of not less than two hundred fifty nor more than five hundred dollars in addition to any other penalties provided by law. Any subsequent violation involving personal injury to another person after a conviction for a violation of such paragraph within the preceding five years shall constitute a class A misdemeanor punishable by a fine of not less than five hundred nor more than one thousand dollars in addition to any other penalties provided by law. Any violation of the provisions of this subdivision, other than the mere failure of a vessel operator OR PASSENGER to provide the name and address of the vessel owner and/or the identification number of the vessel, where the personal injury involved results in death or serious physical injury, as defined in section 10.00 of the penal law, or where a person has disappeared under the water as the result of the incident shall constitute a class E felony.

3. The provisions of this section shall not apply to commercial vessels having a valid marine document issued by the United States or a foreign government.

S 2. 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 OR PASSENGER IN SUCH 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 OR IN WHICH SUCH PERSON WAS A PASSENGER 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 to request the said operator or operators OR ANY PASSENGER of the motor vehicles, when physically capable of doing so, to exchange the information required hereinabove and such member of a law enforcement agency shall assist such operator or operators OR ANY PASSENGER in making such exchange of information in a reasonable and harmonious manner.

A violation of the provisions of paragraph a of this subdivision shall constitute a traffic infraction punishable by a fine of up to two hundred fifty dollars or a sentence of imprisonment for up to fifteen days or both such fine and imprisonment.

2. Personal injury. a. Any person operating a motor vehicle OR PASSENGER IN SUCH 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 OR IN WHICH SUCH PERSON WAS A PASSENGER 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 to request the said operator or operators OR ANY PASSENGER of the motor vehicles, when physically capable of doing so, to exchange the information required hereinabove and such member of a law enforcement agency shall assist such operator or operators OR ANY PASSENGER 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 OR PASSENGER 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 nor more than five hundred dollars in addition to any other penalties provided by law. Any subsequent such violation shall constitute a class A misdemeanor punishable by a fine of not less than five hundred nor more than one thousand dollars 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 OR PASSENGER 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, punishable by a fine of not less than five hundred dollars nor more than one 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 nor more than two thousand five hundred dollars 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 OR PASSENGER 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, or (ii) results in death shall constitute a class D felony punishable by a fine of not less than two thousand nor more than five thousand dollars in addition to any other penalties provided by law.

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