

4355

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 3, 2011

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Introduced by M. of A. GABRYSZAK, FINCH -- Multi-Sponsored by -- M. of A. CROUCH, GIGLIO, V. LOPEZ, MAGNARELLI, MAISEL, MAYERSOHN, McDONOUGH, THIELE, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the navigation law, in relation to increasing penalties for certain obstructed view for drivers of motor vehicles and operators of vessels that result in injury or death

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

1     Section 1. Section 1213 of the vehicle and traffic law, as amended by  
2 chapter 621 of the laws of 1963, is amended to read as follows:  
3     S 1213. Obstruction to driver's view or driving mechanism. (a) No  
4 person shall drive a motor vehicle when it is so loaded, or when there  
5 are in the front seat such number of persons as to obstruct the view of  
6 the driver to the front or sides of the vehicle or as to interfere with  
7 the driver's control over the driving mechanism of the vehicle. In no  
8 event shall there be more than three persons in the front seat of any  
9 vehicle, except where such seat has been constructed to accommodate more  
10 than three persons and there is eighteen inches of seating capacity for  
11 each passenger or occupant in said front seat.  
12     (b) No passenger in a vehicle shall ride in such a position as to  
13 interfere with the driver's view ahead or to the sides, or to interfere  
14 with his OR HER control over the driving mechanism of the vehicle.  
15     (C) A VIOLATION OF SUBDIVISION (A) OR (B) OF THIS SECTION THAT RESULTS  
16 IN AN INJURY TO ANOTHER PERSON SHALL CONSTITUTE A CLASS A MISDEMEANOR. A  
17 VIOLATION OF SUBDIVISION (A) OR (B) OF THIS SECTION THAT RESULTS IN THE  
18 DEATH OF ANOTHER PERSON SHALL CONSTITUTE A CLASS E FELONY.  
19     S 2. The navigation law is amended by adding a new section 45-e to  
20 read as follows:

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

LBD08633-01-1

1 S 45-E. RECKLESS OPERATION OF A VESSEL; OBSTRUCTION TO OPERATOR'S VIEW  
2 OR OPERATING MECHANISM. 1. NO PERSON SHALL OPERATE A MECHANICALLY  
3 PROPELLED VESSEL WHEN IT IS SO LOADED, OR WHEN THERE ARE SUCH NUMBER OF  
4 PERSONS AS TO OBSTRUCT THE VIEW OF THE OPERATOR TO THE FRONT OR SIDES OF  
5 THE VESSEL OR AS TO INTERFERE WITH THE OPERATOR'S CONTROL OVER THE OPER-  
6 ATING MECHANISM OF THE VESSEL.

7 2. NO PASSENGER IN A MECHANICALLY PROPELLED VESSEL SHALL RIDE IN SUCH  
8 A POSITION AS TO INTERFERE WITH THE OPERATOR'S VIEW AHEAD OR TO THE  
9 SIDES, OR TO INTERFERE WITH HIS OR HER CONTROL OVER THE OPERATING MECH-  
10 ANISM OF THE VESSEL.

11 3. A VIOLATION OF SUBDIVISION ONE OR TWO OF THIS SECTION THAT RESULTS  
12 IN AN INJURY TO ANOTHER PERSON SHALL CONSTITUTE A CLASS A MISDEMEANOR. A  
13 VIOLATION OF SUBDIVISION ONE OR TWO OF THIS SECTION THAT RESULTS IN THE  
14 DEATH OF ANOTHER PERSON SHALL CONSTITUTE A CLASS E FELONY.

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