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

7165

2011-2012 Regular Sessions

I N A S S E M B L Y

April 14, 2011

Introduced by M. of A. PALMESANO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of vehicular assault in the third degree

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

Section 1. The penal law is amended by adding a new section 120.02-a to read as follows:

S 120.02-A VEHICULAR ASSAULT IN THE THIRD DEGREE.

A PERSON IS GUILTY OF VEHICULAR ASSAULT IN THE THIRD DEGREE WHEN, WITH CRIMINAL NEGLIGENCE AND AS A RESULT OF SUCH NEGLIGENCE, HE OR SHE CAUSES PHYSICAL INJURY TO ANOTHER PERSON WHILE UNLAWFULLY OVERTAKING AND PASSING A SCHOOL BUS IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW.

VEHICULAR ASSAULT IN THE THIRD DEGREE IS A CLASS A MISDEMEANOR.

S 2. Section 120.03 of the penal law is amended by adding a new subdivision 1-a to read as follows:

(1-A) CAUSES SUCH SERIOUS PHYSICAL INJURY TO ANOTHER PERSON WHEN, WITH CRIMINAL NEGLIGENCE AND AS A RESULT OF SUCH NEGLIGENCE, HE OR SHE UNLAWFULLY OVERTAKES AND PASSES A SCHOOL BUS IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW, OR

S 3. Section 125.12 of the penal law is amended by adding a new subdivision 1-a to read as follows:

(1-A) CAUSES THE DEATH OF SUCH PERSON WHEN, WITH CRIMINAL NEGLIGENCE AND AS A RESULT OF SUCH NEGLIGENCE, HE OR SHE UNLAWFULLY OVERTAKES AND PASSES A SCHOOL BUS IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW, OR

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

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

LBD10054-01-1