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

3452

2011-2012 Regular Sessions

I N S E N A T E

February 23, 2011

Introduced by Sens. FUSCHILLO, HANNON, JOHNSON, MAZIARZ, OPPENHEIMER, SEWARD -- 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, in relation to reckless driving and establishes the crime of aggravated reckless driving

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

Section 1. Section 1212 of the vehicle and traffic law, as added by chapter 47 of the laws of 1988, is amended to read as follows:

S 1212. Reckless driving. Reckless driving shall mean driving or using any motor vehicle, motorcycle or any other vehicle propelled by any power other than muscular power or any appliance or accessory thereof in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway. Reckless driving is prohibited. Every person violating this provision shall be guilty of a CLASS A misdemeanor PUNISHABLE PURSUANT TO ARTICLES SIXTY-FIVE AND SEVENTY OF THE PENAL LAW.

S 2. The vehicle and traffic law is amended by adding a new section 1212-a to read as follows:

S 1212-A. AGGRAVATED RECKLESS DRIVING. AGGRAVATED RECKLESS DRIVING SHALL MEAN DRIVING OR USING ANY MOTOR VEHICLE, MOTORCYCLE OR ANY OTHER VEHICLE PROPELLED BY ANY POWER OTHER THAN MUSCULAR POWER OR ANY APPLIANCE OR ACCESSORY THEREOF:

(1) IN A MANNER WHICH CREATES A GRAVE RISK OF DEATH TO USERS OF THE PUBLIC HIGHWAY, OR KNOWING OR HAVING REASON TO KNOW THE OPERATOR IS DRIVING AGAINST THE FLOW OF TRAFFIC AND THE WRONG WAY, THE OPERATOR CONTINUES TO DO SO. FAILURE TO PERCEIVE SAID WRONG WAY TRAVEL DUE TO IMPAIRMENT OR INTOXICATION IS ALSO A VIOLATION OF THIS SECTION, OR

(2) AT SPEEDS OF THIRTY MILES PER HOUR OR MORE ABOVE THE POSTED SPEED LIMIT AND IN AN IMPAIRED OR INTOXICATED CONDITION PURSUANT TO SUBDIVI-

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

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SIONS TWO, TWO-A, THREE, FOUR OR FOUR-A OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER, OR

(3) AT SPEEDS OF THIRTY MILES PER HOUR OR MORE ABOVE THE POSTED SPEED LIMIT WHILE RACING OR PURSUING ONE OR MORE OTHER VEHICLES, OR

(4) AT SPEEDS OF THIRTY MILES PER HOUR OR MORE ABOVE THE POSTED SPEED LIMIT, THE DRIVER PASSES THREE OR MORE TIMES BETWEEN THE TRAVEL LANES AND OTHER VEHICLES ON THE ROADWAY IN VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED TWENTY-EIGHT OF THIS TITLE.

A PERSON VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER SHALL BE GUILTY OF A CLASS E FELONY PUNISHABLE PURSUANT TO ARTICLES SIXTY-FIVE AND SEVENTY OF THE PENAL 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.