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

3227--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. COLTON, BENEDETTO, WEPRIN -- Multi-Sponsored by -- M. of A. BURLING, CERETTO, MONTESANO, P. RIVERA, ROBINSON -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to performance of illegal maneuvers while operating a motorcycle

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

Section 1. The vehicle and traffic law is amended by adding a new section 1254 to read as follows:

S 1254. PERFORMANCE OF AN ILLEGAL MANEUVER WHILE OPERATING A MOTORCYCLE. (A) "ILLEGAL MANEUVER" SHALL MEAN ANY MANEUVER PERFORMED BY THE OPERATOR OF A MOTORCYCLE WHICH REQUIRES THE FRONT OR REAR WHEEL OF SUCH MOTORCYCLE TO LEAVE CONTACT WITH THE ROAD, OR ANY MANEUVER DESCRIBED IN SUBDIVISIONS (B) AND (C) OF SECTION TWELVE HUNDRED FIFTY-TWO OF THIS ARTICLE. ILLEGAL MANEUVER SHALL NOT MEAN A MANEUVER PERFORMED BY A MOTORCYCLE WITH A SIDE PASSENGER TRUCK ATTACHMENT, IN WHICH THE SIDE TRUCK LEAVES THE ROAD IN THE COURSE OF TAKING A TURN.

(B) THE OPERATOR OF A MOTORCYCLE SHALL NOT PERFORM AN ILLEGAL MANEUVER WHILE OPERATING A MOTORCYCLE.

(C) A VIOLATION OF SUBDIVISION (B) OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF TWO HUNDRED FIFTY DOLLARS AND SHALL NOT EXCEED THREE HUNDRED EIGHTY-FIVE DOLLARS.

(D) A SECOND VIOLATION OF SUBDIVISION (B) OF THIS SECTION, WITHIN EIGHTEEN MONTHS OF PRIOR CONVICTION, SHALL BE PUNISHABLE BY A FINE OF THREE HUNDRED EIGHTY-FIVE DOLLARS AND SHALL NOT EXCEED SIX HUNDRED TEN DOLLARS. IN ADDITION TO ANY PENALTIES WHICH MAY BE IMPOSED PURSUANT TO THIS SUBDIVISION, THE VIOLATOR'S LICENSE AND REGISTRATION SHALL BE REVOKED AUTOMATICALLY FOR A PERIOD OF ONE YEAR.

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

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(E) A THIRD OR SUBSEQUENT VIOLATION OF SUBDIVISION (B) OF THIS SECTION, WITHIN EIGHTEEN MONTHS OF PRIOR CONVICTION, SHALL BE PUNISHABLE BY A FINE OF SIX HUNDRED TEN DOLLARS AND SHALL NOT EXCEED ONE THOUSAND TWO HUNDRED TEN DOLLARS. IN ADDITION TO ANY PENALTIES WHICH MAY BE IMPOSED PURSUANT TO THIS SUBDIVISION, THE VIOLATOR'S LICENSE AND REGISTRATION SHALL BE REVOKED AUTOMATICALLY FOR A PERIOD OF FIVE YEARS.

S 2. Subparagraphs (x) and (xi) of paragraph a of subdivision 2 of section 510 of the vehicle and traffic law, as added by chapter 571 of the laws of 2006, are amended and two new subparagraphs (xii) and (xiii) are added to read as follows:

(x) of a traffic infraction for a subsequent violation of article twenty-six of this chapter and the commission of such violation caused serious physical injury to another person and such subsequent violation occurred within eighteen months of a prior violation of any provision of article twenty-six of this chapter where the commission of such prior violation caused the serious physical injury or death of another person; [or]

(xi) of a traffic infraction for a subsequent violation of article twenty-six of this chapter and the commission of such violation caused the death of another person and such subsequent violation occurred within eighteen months of a prior violation of any provision of article twenty-six of this chapter where the commission of such prior violation caused the serious physical injury or death of another person[.];

(XII) OF A SECOND VIOLATION OF SUBDIVISION (B) OF SECTION TWELVE HUNDRED FIFTY-FOUR OF THIS CHAPTER SHALL RESULT IN A LICENSE AND REGISTRATION REVOCATION OF ONE YEAR; OR

(XIII) OF A THIRD VIOLATION OF SUBDIVISION (B) OF SECTION TWELVE HUNDRED FIFTY-FOUR OF THIS CHAPTER SHALL RESULT IN A LICENSE AND REGISTRATION REVOCATION OF FIVE YEARS.

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