

3960--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 31, 2011

Introduced by M. of A. MAGNARELLI, BENEDETTO, GALEF, GUNTHER, HOOPER, HOYT, ORTIZ, J. RIVERA, P. RIVERA, SCHIMEL, GABRYSZAK -- Multi-Sponsored by -- M. of A. CLARK, MAGEE, McDONOUGH, McENENY, MOLINARO, PHEFFER, WEISENBERG -- 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 prohibiting a child under the age of eight from being left unattended in a motor vehicle

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

- 1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 1210-a to read as follows:  
3 S 1210-A. UNATTENDED CHILD IN A MOTOR VEHICLE. 1. ANY PARENT, GUARDI-  
4 AN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE OR CUSTODY OF A CHILD  
5 LESS THAN EIGHT YEARS OLD, WHO LEAVES SUCH CHILD INSIDE A MOTOR VEHICLE  
6 WITHOUT THE SUPERVISION OF A PERSON WHO IS AT LEAST TWELVE YEARS OF AGE,  
7 UNDER CONDITIONS WHICH KNOWINGLY OR RECKLESSLY PRESENT A SIGNIFICANT  
8 RISK TO THE HEALTH OR SAFETY OF SUCH CHILD, SHALL BE GUILTY OF AN  
9 INFRACTION.  
10 2. A PERSON CONVICTED OF AN INFRACTION OF A VIOLATION OF SUBDIVISION  
11 ONE OF THIS SECTION SHALL, FOR A FIRST CONVICTION THEREOF, BE PUNISHED  
12 BY A FINE OF NOT MORE THAN FIFTY DOLLARS. UPON A CONVICTION OF A SECOND  
13 VIOLATION, COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS OF THE FIRST  
14 VIOLATION, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT MORE THAN ONE  
15 HUNDRED DOLLARS. UPON A CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION,  
16 ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF EIGHTEEN MONTHS, SUCH  
17 PERSON SHALL BE PUNISHED BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY  
18 DOLLARS, AND SUCH PERSON SHALL APPEAR PERSONALLY IN COURT FOR SENTENC-  
19 ING.

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

LBD03163-02-1

1 3. NOTHING IN THIS SECTION SHALL PROHIBIT THE PROSECUTION OF A PERSON  
2 VIOLATING OR CONVICTED OF VIOLATING THE PROVISIONS OF THIS SECTION FROM  
3 BEING PROSECUTED UNDER ANY SECTION OF THE LAW.  
4 S 2. This act shall take effect on the ninetieth day after it shall  
5 have become a law.