

2192--A

Cal. No. 71

2011-2012 Regular Sessions

I N   S E N A T E

January 18, 2011

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Introduced by Sens. SALAND, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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.

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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.