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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. DIAZ -- 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 increasing penalties and requiring imprisonment for leaving the scene of an incident without reporting

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

1 Section 1. Section 600 of the vehicle and traffic law, as amended by
2 chapter 49 of the laws of 2005, is amended to read as follows:
3 S 600. Leaving scene of an incident without reporting. 1. Property
4 damage. a. Any person operating a motor vehicle who, knowing or having
5 cause to know that damage has been caused to the real property or to the
6 personal property, not including animals, of another, due to an incident
7 involving the motor vehicle operated by such person shall, before leav-
8 ing the place where the damage occurred, stop, exhibit his or her
9 license and insurance identification card for such vehicle, when such
10 card is required pursuant to articles six and eight of this chapter, and
11 give his or her name, residence, including street and number, insurance
12 carrier and insurance identification information including but not
13 limited to the number and effective dates of said individual's insurance
14 policy, and license number to the party sustaining the damage, or in
15 case the person sustaining the damage is not present at the place where
16 the damage occurred then he or she shall report the same as soon as
17 physically able to the nearest police station, or judicial officer.
18 b. It shall be the duty of any member of a law enforcement agency who
19 is at the scene of the [accident] INCIDENT to request the said operator
20 or operators of the motor vehicles, when physically capable of doing so,
21 to exchange the information required [hereinabove] IN PARAGRAPH A OF
22 THIS SUBDIVISION and such member of a law enforcement agency shall

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

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1 assist such operator or operators in making such exchange of information
2 in a reasonable and harmonious manner.

3 A violation of the provisions of paragraph a of this subdivision
4 RESULTING SOLELY FROM THE FAILURE OF AN OPERATOR TO EXHIBIT HIS OR HER
5 LICENSE AND IDENTIFICATION CARD FOR THE VEHICLE OR EXCHANGE THE INFORMA-
6 TION REQUIRED IN SUCH PARAGRAPH shall constitute a traffic infraction
7 punishable by a fine of [up to] NOT LESS THAN two hundred fifty dollars
8 NOR MORE THAN FIVE HUNDRED DOLLARS or a sentence of imprisonment for up
9 to fifteen days or both such fine and imprisonment. ANY VIOLATION OF
10 THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION, OTHER THAN FOR THE
11 MERE FAILURE OF AN OPERATOR TO EXHIBIT HIS OR HER LICENSE AND INSURANCE
12 IDENTIFICATION CARD FOR SUCH VEHICLE OR EXCHANGE THE INFORMATION
13 REQUIRED IN SUCH PARAGRAPH, SHALL CONSTITUTE A MISDEMEANOR PUNISHABLE BY
14 A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN FIFTEEN
15 HUNDRED DOLLARS AND A SENTENCE OF IMPRISONMENT OF NOT MORE THAN THREE
16 MONTHS, IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

17 2. Personal injury. a. Any person operating a motor vehicle who, know-
18 ing or having cause to know that personal injury has been caused to
19 another person, due to an incident involving the motor vehicle operated
20 by such person shall, before leaving the place where the said personal
21 injury occurred, stop, exhibit his or her license and insurance iden-
22 tification card for such vehicle, when such card is required pursuant to
23 articles six and eight of this chapter, and give his or her name, resi-
24 dence, including street and street number, insurance carrier and insur-
25 ance identification information including but not limited to the number
26 and effective dates of said individual's insurance policy and license
27 number, to the injured party, if practical, and also to a police offi-
28 cer, or in the event that no police officer is in the vicinity of the
29 place of said injury, then, he or she shall report said incident as soon
30 as physically able to the nearest police station or judicial officer.

31 b. It shall be the duty of any member of a law enforcement agency who
32 is at the scene of the [accident] INCIDENT to request the said operator
33 or operators of the motor vehicles, when physically capable of doing so,
34 to exchange the information required [hereinabove] IN PARAGRAPH A OF
35 THIS SUBDIVISION and such member of a law enforcement agency shall
36 assist such operator or operators in making such exchange of information
37 in a reasonable and harmonious manner.

38 c. A violation of the provisions of paragraph a of this subdivision
39 resulting solely from the failure of an operator to exhibit his or her
40 license and insurance identification card for the vehicle or exchange
41 the information required in such paragraph shall constitute a [class B]
42 misdemeanor punishable by a fine of not less than [two hundred fifty]
43 FIVE HUNDRED nor more than [five hundred] ONE THOUSAND dollars, AND A
44 SENTENCE OF IMPRISONMENT OF NOT MORE THAN ONE YEAR, in addition to any
45 other penalties provided by law. Any subsequent [such] violation shall
46 constitute a [class A misdemeanor] FELONY punishable by a fine of not
47 less than [five hundred] TWENTY-FIVE HUNDRED nor more than [one thou-
48 sand] FIVE THOUSAND dollars, AND A SENTENCE OF IMPRISONMENT OF NOT LESS
49 THAN ONE YEAR, in addition to any other penalties provided by law. Any
50 violation of the provisions of paragraph a of this subdivision, other
51 than for the mere failure of an operator to exhibit his or her license
52 and insurance identification card for such vehicle or exchange the
53 information required in such paragraph, shall constitute a [class A
54 misdemeanor] FELONY, punishable by a fine of not less than [five
55 hundred] ONE THOUSAND dollars nor more than [one thousand] FIVE THOUSAND
56 dollars in addition to any other penalties provided by law. Any such

1 violation committed by a person after such person has previously been
2 convicted of such a violation shall constitute a [class E] felony,
3 punishable by a fine of not less than [one thousand] TWENTY-FIVE HUNDRED
4 nor more than [two] FIVE thousand five hundred dollars [in addition to
5 any other penalties provided by law], AND A SENTENCE OF IMPRISONMENT OF
6 NOT LESS THAN ONE YEAR, IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY
7 LAW. Any violation of the provisions of paragraph a of this subdivi-
8 sion, other than for the mere failure of an operator to exhibit his or
9 her license and insurance identification card for such vehicle or
10 exchange the information required in such paragraph, where the personal
11 injury involved (i) results in serious physical injury, as defined in
12 section 10.00 of the penal law, shall constitute a [class E] felony,
13 punishable by a fine of not less than [one thousand nor more than] five
14 thousand dollars in addition to any other penalties provided by law FOR
15 A CLASS D FELONY, or (ii) results in death shall constitute a [class D]
16 felony punishable by a fine of not less than [two] FIVE thousand nor
17 more than [five] TEN thousand dollars in addition to any other penalties
18 provided by law FOR A CLASS C FELONY.

19 S 2. The vehicle and traffic law is amended by adding a new section
20 600-a to read as follows:

21 S 600-A. LEAVING THE SCENE OF AN INCIDENT WITHOUT REPORTING AFTER
22 CONSUMING AN ALCOHOLIC BEVERAGE OR DRUG; PRESUMPTION. 1. ANY PERSON WHO
23 VIOLATES PARAGRAPH A OF SUBDIVISION ONE OF SECTION SIX HUNDRED OF THIS
24 ARTICLE WITHIN FOUR HOURS AFTER CONSUMING AN ALCOHOLIC BEVERAGE OR DRUG
25 AS DEFINED IN THIS CHAPTER SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE
26 BY A FINE OF NOT LESS THAN THREE HUNDRED DOLLARS NOR MORE THAN SEVEN
27 HUNDRED FIFTY DOLLARS AND A SENTENCE OF IMPRISONMENT OF NOT LESS THAN
28 THIRTY DAYS NOR MORE THAN NINETY DAYS, AND SHALL BE PRESUMED TO HAVE
29 COMMITTED THE VIOLATION TO AVOID PROSECUTION FOR A VIOLATION OF SECTION
30 ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER.

31 2. ANY PERSON WHO VIOLATES PARAGRAPH B OF SUBDIVISION TWO OF SECTION
32 SIX HUNDRED OF THIS ARTICLE WITHIN FOUR HOURS AFTER CONSUMING AN ALCO-
33 HOLIC BEVERAGE OR DRUG AS DEFINED IN THIS CHAPTER SHALL BE GUILTY OF A
34 MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS
35 NOR MORE THAN ONE THOUSAND DOLLARS AND A SENTENCE OF IMPRISONMENT FOR
36 NOT LESS THAN THREE MONTHS NOR MORE THAN ONE YEAR, AND SHALL BE
37 PRESUMED TO HAVE COMMITTED THE VIOLATION TO AVOID PROSECUTION FOR A
38 VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER.

39 S 3. Section 602 of the vehicle and traffic law, as amended by chapter
40 843 of the laws of 1980, is amended to read as follows:

41 S 602. Arrest for violations of sections six hundred, SIX HUNDRED-A
42 and six hundred one. A peace officer, acting pursuant to his OR HER
43 special duties, or a police officer may, without a warrant, arrest a
44 person, in case of violation of section six hundred, SECTION SIX
45 HUNDRED-A and section six hundred one, which in fact have been commit-
46 ted, though not in his OR HER presence, when he OR SHE has reasonable
47 cause to believe that the violation was committed by such person.

48 S 4. This act shall take effect on the first of November next succeed-
49 ing the date on which it shall have become a law.