

7866

I N S E N A T E

November 14, 2012

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to 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. This act shall be known and may be cited as "Alix's Law".  
2 S 2. Section 600 of the vehicle and traffic law, as amended by chapter  
3 49 of the laws of 2005, is amended to read as follows:  
4 S 600. Leaving scene of an incident without reporting. 1. Property  
5 damage. a. Any person operating a motor vehicle who, knowing or having  
6 cause to know that THE MOTOR VEHICLE OPERATED BY SUCH PERSON HAS COME IN  
7 CONTACT WITH AN OBJECT OTHER THAN THE ROAD WAY, HAS A DUTY TO PERFORM A  
8 REASONABLE AND GOOD FAITH INVESTIGATION OF THE INCIDENT AND IF AS A  
9 RESULT OF SUCH INVESTIGATION SUCH PERSON KNOWS OR HAS REASON TO KNOW  
10 THAT damage has been caused to the real property or to the personal  
11 property, not including animals, of another, due to [an incident involv-  
12 ing] THE CONTACT OF the motor vehicle operated by such person, SUCH  
13 PERSON shall, before leaving the place where the damage occurred, stop,  
14 exhibit his or her license and insurance identification card for such  
15 vehicle, when such card is required pursuant to articles six and eight  
16 of this chapter, and give his or her name, residence, including street  
17 and number, insurance carrier and insurance identification information  
18 including but not limited to the number and effective dates of said  
19 individual's insurance policy, and license number to the party sustain-  
20 ing the damage, or in case the person sustaining the damage is not pres-  
21 ent at the place where the damage occurred then he or she shall report  
22 the same as soon as physically able to the nearest police station, or  
23 judicial officer. A PERSON OPERATING A MOTOR VEHICLE IN VIOLATION OF  
24 SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER, THAT CAME INTO  
25 CONTACT WITH AN OBJECT OTHER THAN THE ROAD WAY, THAT RESULTED IN DAMAGE  
26 TO REAL PROPERTY OR TO THE PERSONAL PROPERTY, NOT INCLUDING ANIMALS OF  
27 ANOTHER, SHALL BE PRESUMED TO HAVE KNOWN OR HAVE CAUSE TO KNOW OF SUCH  
28 CONTACT AND OF SUCH DAMAGE, UNLESS SUCH PERSON SHOWS THAT THEY WOULD NOT

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

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1 HAVE KNOWN OR HAVE CAUSE TO KNOW OF SUCH CONTACT AND OF SUCH INJURY  
2 REGARDLESS OF INTOXICATION OR IMPAIRMENT BY THE USE OF ALCOHOL OR A  
3 DRUG, OR BY THE COMBINED INFLUENCE OF DRUGS OR OF ALCOHOL AND ANY DRUG  
4 OR DRUGS.

5 b. It shall be the duty of any member of a law enforcement agency who  
6 is at the scene of the accident to request the said operator or opera-  
7 tors of the motor vehicles, when physically capable of doing so, to  
8 exchange the information required hereinabove and such member of a law  
9 enforcement agency shall assist such operator or operators in making  
10 such exchange of information in a reasonable and harmonious manner.

11 A violation of the provisions of paragraph a of this subdivision shall  
12 constitute a traffic infraction punishable by a fine of up to two  
13 hundred fifty dollars or a sentence of imprisonment for up to fifteen  
14 days or both such fine and imprisonment.

15 2. Personal injury. a. Any person operating a motor vehicle who, know-  
16 ing or having cause to know that THE MOTOR VEHICLE OPERATED BY SUCH  
17 PERSON HAS COME IN CONTACT WITH AN OBJECT OTHER THAN THE ROAD WAY, HAS A  
18 DUTY TO PERFORM A REASONABLE AND GOOD FAITH INVESTIGATION OF THE INCI-  
19 DENT AND IF AS A RESULT OF SUCH INVESTIGATION SUCH PERSON KNOWS OR HAS  
20 REASON TO KNOW THAT personal injury has been caused to another person,  
21 due to [an incident involving] THE CONTACT OF the motor vehicle operated  
22 by such person, SUCH PERSON shall, before leaving the place where the  
23 said personal injury occurred, stop, exhibit his or her license and  
24 insurance identification card for such vehicle, when such card is  
25 required pursuant to articles six and eight of this chapter, and give  
26 his or her name, residence, including street and street number, insur-  
27 ance carrier and insurance identification information including but not  
28 limited to the number and effective dates of said individual's insurance  
29 policy and license number, to the injured party, if practical, and also  
30 to a police officer, or in the event that no police officer is in the  
31 vicinity of the place of said injury, then, he or she shall report said  
32 incident as soon as physically able to the nearest police station or  
33 judicial officer. A PERSON OPERATING A MOTOR VEHICLE IN VIOLATION OF  
34 SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER, THAT CAME INTO  
35 CONTACT WITH AN OBJECT OTHER THAN THE ROAD WAY, THAT RESULTED IN INJURY  
36 TO ANOTHER PERSON, SHALL BE PRESUMED TO HAVE KNOWN OR HAVE CAUSE TO KNOW  
37 OF SUCH CONTACT AND OF SUCH INJURY, UNLESS SUCH PERSON SHOWS THAT THEY  
38 WOULD NOT HAVE KNOWN OR HAVE CAUSE TO KNOW OF SUCH CONTACT AND OF SUCH  
39 INJURY REGARDLESS OF INTOXICATION OR IMPAIRMENT BY THE USE OF ALCOHOL OR  
40 A DRUG, OR BY THE COMBINED INFLUENCE OF DRUGS OR OF ALCOHOL AND ANY DRUG  
41 OR DRUGS.

42 b. It shall be the duty of any member of a law enforcement agency who  
43 is at the scene of the accident to request the said operator or opera-  
44 tors of the motor vehicles, when physically capable of doing so, to  
45 exchange the information required hereinabove and such member of a law  
46 enforcement agency shall assist such operator or operators in making  
47 such exchange of information in a reasonable and harmonious manner.

48 c. A violation of the provisions of paragraph a of this subdivision  
49 resulting solely from the failure of an operator to exhibit his or her  
50 license and insurance identification card for the vehicle or exchange  
51 the information required in such paragraph shall constitute a class B  
52 misdemeanor punishable by a fine of not less than two hundred fifty nor  
53 more than five hundred dollars in addition to any other penalties  
54 provided by law. Any subsequent such violation shall constitute a class  
55 A misdemeanor punishable by a fine of not less than five hundred nor  
56 more than one thousand dollars in addition to any other penalties

1 provided by law. Any violation of the provisions of paragraph a of this  
2 subdivision, other than for the mere failure of an operator to exhibit  
3 his or her license and insurance identification card for such vehicle or  
4 exchange the information required in such paragraph, shall constitute a  
5 class A misdemeanor, punishable by a fine of not less than five hundred  
6 dollars nor more than one thousand dollars in addition to any other  
7 penalties provided by law. Any such violation committed by a person  
8 after such person has previously been convicted of such a violation  
9 shall constitute a class E felony, punishable by a fine of not less than  
10 one thousand nor more than two thousand five hundred dollars in addition  
11 to any other penalties provided by law. Any violation of the provisions  
12 of paragraph a of this subdivision, other than for the mere failure of  
13 an operator to exhibit his or her license and insurance identification  
14 card for such vehicle or exchange the information required in such para-  
15 graph, where the personal injury involved (i) results in serious phys-  
16 ical injury, as defined in section 10.00 of the penal law, shall consti-  
17 tute a class E felony, punishable by a fine of not less than one  
18 thousand nor more than five thousand dollars in addition to any other  
19 penalties provided by law, or (ii) results in death shall constitute a  
20 class D felony punishable by a fine of not less than two thousand nor  
21 more than five thousand dollars in addition to any other penalties  
22 provided by law.

23 S 3. This act shall take effect immediately.