

7350--A

2013-2014 Regular Sessions

I N A S S E M B L Y

May 14, 2013

Introduced by M. of A. MAGNARELLI, WEPRIN, ROSA, GALEF, ROBERTS, RUSSELL, HOOPER, McDONOUGH, CUSICK -- Multi-Sponsored by -- M. of A. ARROYO, CLARK, COOK, GOTTFRIED, LUPARDO, McDONALD, RIVERA, SEPULVEDA, SOLAGES, THIELE, TITONE -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the education law, in relation to authorizing the installation and use of safety cameras on school buses for the purpose of monitoring overtaking and passing of school bus violations; to amend the vehicle and traffic law, in relation to owner liability for an operator illegally overtaking or passing a school bus; and to amend the penal law, in relation to assault in the third degree and criminally negligent homicide

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "school bus camera safety act".
3 S 2. Section 375 of the vehicle and traffic law is amended by adding a
4 new subdivision 21-j to read as follows:
5 21-J. SCHOOL BUSES OWNED OR CONTRACTED FOR BY A SCHOOL DISTRICT WHICH
6 HAS ADOPTED A RESOLUTION PROVIDING FOR THE INSTALLATION OF SCHOOL BUS
7 SAFETY CAMERAS, AS DEFINED IN SECTION ELEVEN HUNDRED SEVENTY-FOUR-A OF
8 THIS CHAPTER, MAY BE EQUIPPED WITH AND OPERATE SUCH CAMERAS. THE COMMIS-
9 SIONER SHALL PROMULGATE RULES AND REGULATIONS FOR THE INSTALLATION OF
10 SCHOOL BUS SAFETY CAMERAS.
11 S 3. The vehicle and traffic law is amended by adding a new section
12 1174-a to read as follows:
13 S 1174-A. OWNER LIABILITY FOR OPERATOR ILLEGALLY OVERTAKING OR PASSING
14 A SCHOOL BUS. (A) FOR THE PURPOSES OF THIS SECTION:

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

LBD10771-04-4

1 1. "SCHOOL BUS SAFETY CAMERA" MEANS AN AUTOMATED PHOTO MONITORING
2 DEVICE AFFIXED TO A SCHOOL BUS AND DESIGNED TO DETECT AND STORE AN IMAGE
3 OF MOTOR VEHICLES WHICH OVERTAKE OR PASS SCHOOL BUSES IN VIOLATION OF
4 SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

5 2. "OWNER" SHALL HAVE THE SAME MEANING PROVIDED IN ARTICLE TWO-B OF
6 THIS CHAPTER.

7 (B) 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE BOARD OF EDUCA-
8 TION OR OF TRUSTEES OF A SCHOOL DISTRICT IS HEREBY AUTHORIZED AND
9 EMPOWERED TO ADOPT A RESOLUTION PROVIDING FOR THE INSTALLATION AND OPER-
10 ATION OF SCHOOL BUS SAFETY CAMERAS UPON SCHOOL BUSES OPERATED BY OR
11 CONTRACTED WITH SUCH DISTRICT, AND PROVIDING FOR THE FORWARDING OF
12 IMAGES FROM SUCH CAMERAS TO A LAW ENFORCEMENT AGENCY HAVING JURISDICTION
13 IN THE AREA IN WHICH SUCH SCHOOL BUSES OPERATE, FOR THE PURPOSE OF
14 IMPOSING MONETARY LIABILITY ON THE OWNER OF A MOTOR VEHICLE FOR ILLEGAL-
15 LY OVERTAKING OR PASSING A SCHOOL BUS IN VIOLATION OF SUBDIVISION (A) OF
16 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

17 2. THE BOARD OF EDUCATION OR OF TRUSTEES OF THE SCHOOL DISTRICT MAY,
18 FURTHERMORE, ENTER INTO AN AGREEMENT WITH A PRIVATE VENDOR FOR THE
19 INSTALLATION, OPERATION, NOTICE PROCESSING AND ADMINISTRATION, AND MAIN-
20 TENANCE OF SCHOOL BUS SAFETY CAMERAS ON BUSES WITHIN SUCH DISTRICT'S
21 FLEET, WHETHER OWNED OR LEASED.

22 3. SUCH SCHOOL BUS SAFETY CAMERAS SHALL UTILIZE NECESSARY TECHNOLOGIES
23 TO ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH
24 CAMERAS SHALL NOT INCLUDE IMAGES THAT IDENTIFY THE DRIVER, THE PASSEN-
25 GERS OR THE CONTENTS OF THE VEHICLE; SHALL ONLY PRODUCE A PHOTOGRAPHIC
26 IMAGE OF THE FRONT OR REAR REGISTRATION NUMBER PLATE OF THE MOTOR VEHI-
27 CLE; AND SHALL ONLY PRODUCE A PHOTOGRAPHIC IMAGE OF A VEHICLE WHICH
28 PASSES OR OVERTAKES THE SCHOOL BUS, IN VIOLATION OF SUBDIVISION (A) OF
29 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE, WHILE THE SCHOOL
30 BUS IS AT A FULL STOP AND THE RED VISUAL SIGNAL, AS SPECIFIED IN SUBDI-
31 VISION TWENTY OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER, IS
32 BEING OPERATED. PROVIDED, HOWEVER, THAT NO SIMPLIFIED TRAFFIC INFORMA-
33 TION ISSUED PURSUANT TO THIS SECTION SHALL BE DISMISSED SOLELY BECAUSE A
34 PHOTOGRAPH OR PHOTOGRAPHS ALLOW FOR THE IDENTIFICATION OF THE CONTENTS
35 OF A MOTOR VEHICLE.

36 4. SUCH A SCHOOL DISTRICT MAY ENTER INTO AN INTERGOVERNMENTAL AGREE-
37 MENT WITH A LOCAL GOVERNING AUTHORITY TO OFFSET THE EXPENSES RELATING TO
38 THE ONGOING OPERATION OF SCHOOL BUS SAFETY CAMERAS AND THE IMPLEMENTA-
39 TION OF THE PROVISIONS OF THIS SECTION.

40 (C) IN ANY SCHOOL DISTRICT IN WHICH SCHOOL BUS SAFETY CAMERAS ARE
41 INSTALLED AND OPERATED PURSUANT TO SUBDIVISION (B) OF THIS SECTION, THE
42 OWNER OF A MOTOR VEHICLE, UPON ISSUANCE OF A SIMPLIFIED TRAFFIC INFORMA-
43 TION BY A POLICE OFFICER, SHALL BE LIABLE FOR A CIVIL PENALTY EQUAL TO
44 THE FINES ESTABLISHED IN SUBDIVISION (C) OF SECTION ELEVEN HUNDRED
45 SEVENTY-FOUR OF THIS ARTICLE IF SUCH VEHICLE WAS USED OR OPERATED WITH
46 THE PERMISSION OF THE OWNER, EXPRESS OR IMPLIED, IN VIOLATION OF SUBDI-
47 VISION (A) OF SUCH SECTION, AND SUCH VIOLATION IS EVIDENCED BY INFORMA-
48 TION OBTAINED FROM A SCHOOL BUS SAFETY CAMERA; PROVIDED, HOWEVER, THAT
49 NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO
50 THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN CONVICTED OF
51 THE UNDERLYING VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED
52 SEVENTY-FOUR OF THIS ARTICLE. PROVIDED, FURTHER, THAT THE NET PROCEEDS
53 OF ANY PENALTY, AFTER THE EXPENSES OF ADMINISTRATION, COLLECTED BY A
54 TRAFFIC VIOLATIONS BUREAU OR COURT PURSUANT TO THIS SECTION SHALL BE
55 EXPENDED FOR PROGRAMS RELATED TO IMPROVING PUBLIC SAFETY AND/OR SCHOOL
56 DISTRICT SAFETY IN THE MUNICIPALITY IN WHICH THE VIOLATION OCCURRED.

1 (D) AFTER A SCHOOL DISTRICT FORWARDS THE IMAGES FROM ITS SCHOOL BUS
2 SAFETY CAMERAS TO A LAW ENFORCEMENT AGENCY, A POLICE OFFICER SHALL
3 INSPECT SUCH IMAGES TO DETERMINE WHETHER A VIOLATION OF SUBDIVISION (A)
4 OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE WAS COMMITTED. IF
5 SUCH POLICE OFFICER FINDS THAT SUCH A VIOLATION OCCURRED, HE OR SHE
6 SHALL ISSUE A SIMPLIFIED TRAFFIC INFORMATION ALLEGING THE VIOLATION, AND
7 SUCH INFORMATION WITH A COPY OF THE PHOTOGRAPHIC IMAGE OF THE VIOLATION
8 SHALL BE MAILED TO THE OWNER OF THE MOTOR VEHICLE BY FIRST CLASS MAIL
9 WITHIN THIRTY DAYS OF THE ALLEGED VIOLATION. THE IMAGES PRODUCED BY A
10 SCHOOL BUS SAFETY CAMERA SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS
11 CONTAINED THEREIN. ALL PHOTOGRAPHIC IMAGES OF MOTOR VEHICLES WHICH DO
12 NOT DEPICT OR RESULT IN LIABILITY FOR VIOLATION OF SUBDIVISION (A) OF
13 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE SHALL BE DESTROYED
14 BY THE APPROPRIATE SCHOOL DISTRICT AND LAW ENFORCEMENT AGENCY WITHIN TWO
15 DAYS.

16 (E) AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE
17 DEEMED A CONVICTION AS AN OPERATOR AND SHALL NOT BE MADE PART OF THE
18 OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR
19 SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHI-
20 CLE INSURANCE COVERAGE.

21 (F) 1. A SIMPLIFIED TRAFFIC INFORMATION AND THE PHOTOGRAPHIC IMAGE OF
22 THE ALLEGED VIOLATION SHALL BE SENT BY FIRST CLASS MAIL TO EACH PERSON
23 ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION (A) OF
24 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSUANT TO THIS
25 SECTION. PERSONAL DELIVERY ON THE OWNER SHALL NOT BE REQUIRED. A MANUAL
26 OR AUTOMATIC RECORD OF MAILING PREPARED IN THE ORDINARY COURSE OF BUSI-
27 NESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN.

28 2. A SIMPLIFIED TRAFFIC INFORMATION SHALL CONTAIN THE NAME AND ADDRESS
29 OF THE PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDI-
30 VISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSU-
31 ANT TO THIS SECTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN
32 SUCH VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE
33 AND TIME OF SUCH VIOLATION AND THE IDENTIFICATION NUMBER OF THE SCHOOL
34 BUS SAFETY CAMERA WHICH RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR
35 NUMBER.

36 3. THE SIMPLIFIED TRAFFIC INFORMATION SHALL CONTAIN INFORMATION ADVIS-
37 ING THE PERSON CHARGED OF THE MANNER, THE TIME, THE PLACE AND THE COURT
38 OR ADMINISTRATIVE BODY IN WHICH HE OR SHE MAY CONTEST THE LIABILITY
39 ALLEGED IN THE SIMPLIFIED TRAFFIC INFORMATION. SUCH SIMPLIFIED TRAFFIC
40 INFORMATION SHALL ALSO CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED
41 THAT FAILURE TO ANSWER IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED
42 AN ADMISSION OF LIABILITY AND THAT HE OR SHE SHALL BE LIABLE FOR FAILURE
43 TO RESPOND TO A SUMMONS.

44 (G) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS BY THIS SECTION
45 SHALL BE BY A TRAFFIC VIOLATIONS BUREAU ESTABLISHED PURSUANT TO SECTION
46 THREE HUNDRED SEVENTY OF THE GENERAL MUNICIPAL LAW OR, IF THERE BE NONE,
47 BY THE COURT HAVING JURISDICTION OVER TRAFFIC INFRACTIONS.

48 (H) IF AN OWNER RECEIVES A SIMPLIFIED TRAFFIC INFORMATION PURSUANT TO
49 THIS SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE WAS REPORTED
50 TO A LAW ENFORCEMENT AGENCY AS HAVING BEEN STOLEN, IT SHALL BE A VALID
51 DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVISION (A)
52 OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSUANT TO THIS
53 SECTION THAT THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR
54 TO THE TIME THE VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH
55 TIME. FOR PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION
56 IT SHALL BE SUFFICIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE

1 STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL TO THE TRAFFIC VIOLATIONS
2 BUREAU, COURT HAVING JURISDICTION OR PARKING VIOLATIONS BUREAU.

3 (I) AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A SIMPLIFIED TRAF-
4 FIC INFORMATION WAS ISSUED PURSUANT TO THIS SECTION SHALL NOT BE LIABLE
5 FOR THE VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-
6 FOUR OF THIS ARTICLE, PROVIDED THAT HE OR SHE SENDS TO THE COURT HAVING
7 JURISDICTION A COPY OF THE RENTAL, LEASE OR OTHER SUCH CONTRACT DOCUMENT
8 COVERING SUCH VEHICLE ON THE DATE OF THE VIOLATION, WITH THE NAME AND
9 ADDRESS OF THE LESSEE CLEARLY LEGIBLE, WITHIN THIRTY-SEVEN DAYS AFTER
10 RECEIVING NOTICE FROM THE COURT OF THE DATE AND TIME OF SUCH VIOLATION,
11 TOGETHER WITH THE OTHER INFORMATION CONTAINED IN THE ORIGINAL SIMPLIFIED
12 TRAFFIC INFORMATION. FAILURE TO SEND SUCH INFORMATION WITHIN SUCH THIR-
13 TY-SEVEN DAY TIME PERIOD SHALL RENDER THE OWNER LIABLE FOR THE PENALTY
14 PRESCRIBED BY THIS SECTION. WHERE THE LESSOR COMPLIES WITH THE
15 PROVISIONS OF THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE
16 OF SUCH VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR
17 PURPOSES OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR THE
18 VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF
19 THIS ARTICLE PURSUANT TO THIS SECTION AND SHALL BE SENT A SIMPLIFIED
20 TRAFFIC INFORMATION PURSUANT TO THIS SECTION.

21 (J) IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (A) OF SECTION
22 ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSUANT TO THIS SECTION WAS
23 NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE OWNER
24 MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.

25 (K) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY
26 OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF SUBDIVISION (A) OF
27 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

28 (L) THE SCHOOL BUS SAFETY CAMERAS INSTALLED AND OPERATED PURSUANT TO
29 THIS SECTION SHALL BE USED SOLELY FOR THE PURPOSES OF CARRYING OUT
30 PHOTO-MONITORING OF VIOLATIONS OF SUBDIVISION (A) OF SECTION ELEVEN
31 HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

32 S 4. Section 3621 of the education law is amended by adding a new
33 subdivision 16 to read as follows:

34 16. "SCHOOL BUS SAFETY CAMERA" SHALL MEAN AN AUTOMATED PHOTO MONITOR-
35 ING DEVICE AUTHORIZED TO BE INSTALLED AND OPERATED IN A SCHOOL BUS
36 PURSUANT TO SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAF-
37 FIC LAW.

38 S 5. Paragraph c of subdivision 2 of section 3623-a of the education
39 law, as amended by chapter 453 of the laws of 2005, is amended to read
40 as follows:

41 c. The purchase of equipment deemed a proper school district expense,
42 including: (i) the purchase of two-way radios to be used on old and new
43 school buses, (ii) the purchase of stop-arms, to be used on old and new
44 school buses, (iii) the purchase and installation of seat safety belts
45 on school buses in accordance with the provisions of section thirty-six
46 hundred thirty-five-a of this article, (iv) the purchase of school bus
47 back up beepers, (v) the purchase of school bus front crossing arms,
48 (vi) the purchase of school bus safety sensor devices, (vii) the
49 purchase and installation of exterior reflective marking on school
50 buses, (viii) the purchase of automatic engine fire extinguishing
51 systems for school buses used to transport students who use wheelchairs
52 or other assistive mobility devices, (IX) THE PURCHASE OF SCHOOL BUS
53 SAFETY CAMERAS, and [(ix)] (X) the purchase of other equipment as
54 prescribed in the regulations of the commissioner; and

55 S 6. Subdivision 3 and paragraph a of subdivision 4 of section 227 of
56 the vehicle and traffic law, subdivision 3 as amended by chapter 337 of

1 the laws of 1970 and renumbered by chapter 288 of the laws of 1989 and
2 paragraph a of subdivision 4 as amended by section 7 of part J of chap-
3 ter 62 of the laws of 2003, are amended to read as follows:

4 3. After due consideration of the evidence and arguments offered in a
5 contested case, the hearing officer shall determine whether the charges
6 have been established. IN THE CASE OF AN OWNER CHARGED AS SUCH PURSUANT
7 TO THIS ARTICLE, IT SHALL BE A COMPLETE DEFENSE TO SUCH CHARGE THAT A
8 VEHICLE ALLEGED TO BE IN VIOLATION WAS OPERATED WITHOUT THE PERMISSION
9 OF SUCH OWNER OR HIS OR HER AGENT AND THE ESTABLISHMENT OF LACK OF
10 PERMISSION SHALL RESULT IN AN ORDER DISMISSING SUCH CHARGE AGAINST SUCH
11 OWNER. Where the charges have not been established, an order dismissing
12 the charges shall be entered. Where a determination is made that a
13 charge has been established, either in a contested case or in an uncon-
14 tested case where there is an appearance before a hearing officer, or if
15 an answer admitting the charge otherwise has been received, an appropri-
16 ate order shall be entered in the department's records.

17 a. An order entered upon the failure to answer or appear or after the
18 receipt of an answer admitting the charge or where a determination is
19 made that the charge has been established shall be civil in nature, but
20 shall be treated as a conviction for the purposes of this chapter. The
21 commissioner or his OR HER designee may include in such order an imposi-
22 tion of any penalty authorized by any provision of this chapter for a
23 conviction of such violation, except that no penalty [therefore] THERE-
24 FOR shall include imprisonment, nor, if monetary, exceed the amount of
25 the fine which could have been imposed had the charge been heard by a
26 court. The driver's license or privileges, or, if the charge involves a
27 violation of section three hundred eighty-five or section four hundred
28 one of this chapter by a registrant who was not the operator of the
29 vehicle, the registration of such vehicle or privilege of operation of
30 any motor vehicle owned by such registrant may be suspended pending the
31 payment of any penalty so imposed; HOWEVER, IN THE CASE OF AN OWNER
32 CHARGED AS SUCH PURSUANT TO THIS ARTICLE, HIS OR HER DRIVER'S LICENSE OR
33 PRIVILEGE SHALL NOT BE AFFECTED BY SUCH ORDER OR DETERMINATION OTHER
34 THAN AS SUSPENSION THEREOF FOR FAILURE TO APPEAR OR PAY AS SET FORTH IN
35 THIS ARTICLE, NOR SHALL A CONVICTION HEREUNDER OF SUCH OWNER AS SUCH
36 RESULT IN DEPARTMENTAL ADMINISTRATIVE SANCTIONS AFFECTING HIS OR HER
37 DRIVER'S LICENSE OR PRIVILEGE. Any suspension issued pursuant to this
38 paragraph shall be subject to the provisions of paragraph (j-1) of
39 subdivision two of section five hundred three of this chapter.

40 S 7. Paragraph k of subdivision 3 of section 510 of the vehicle and
41 traffic law, as amended by chapter 124 of the laws of 1992, is amended
42 and a new paragraph l is added to read as follows:

43 k. for a period of up to ninety days because of the conviction of the
44 holder of the offenses of menacing as defined in section 120.15 of the
45 penal law, where such offense was committed against a traffic enforce-
46 ment agent employed by the city of New York or the city of Buffalo while
47 such agent was enforcing or attempting to enforce the traffic regu-
48 lations of such city[.];

49 L. FOR A PERIOD OF UP TO SIXTY DAYS FOR A VIOLATION OF SECTION ELEVEN
50 HUNDRED SEVENTY-FOUR OF THIS CHAPTER.

51 S 8. Section 120.00 of the penal law is amended to read as follows:
52 S 120.00 Assault in the third degree.

53 A person is guilty of assault in the third degree when:

54 1. With intent to cause physical injury to another person, he OR SHE
55 causes such injury to such person or to a third person; or

56 2. He OR SHE recklessly causes physical injury to another person; or

1 3. With criminal negligence, he OR SHE causes physical injury to
2 another person by means of a deadly weapon or a dangerous instrument[.];
3 OR
4 4. HE OR SHE CAUSES PHYSICAL INJURY TO ANOTHER PERSON WHILE OPERATING
5 A MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN
6 HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW.
7 Assault in the third degree is a class A misdemeanor.
8 S 9. Section 125.10 of the penal law is amended to read as follows:
9 S 125.10 Criminally negligent homicide.
10 A person is guilty of criminally negligent homicide when[, with]:
11 1. WITH criminal negligence, he OR SHE causes the death of another
12 person[.]; OR
13 2. HE OR SHE CAUSES THE DEATH OF ANOTHER PERSON WHILE OPERATING A
14 MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED
15 SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW.
16 Criminally negligent homicide is a class E felony.
17 S 10. The vehicle and traffic law is amended by adding a new section
18 223-a to read as follows:
19 S 223-A. SCHOOL BUS SAFETY EDUCATION PROGRAM. THE COMMISSIONER SHALL,
20 IN CONJUNCTION WITH THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE, THE DEPART-
21 MENTS OF EDUCATION AND TRANSPORTATION, THE DIVISION OF STATE POLICE, AND
22 THE STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFETY TRAINING COUNCIL,
23 DESIGN AND IMPLEMENT A PUBLIC EDUCATION PROGRAM TO EDUCATE MOTORISTS
24 UPON THE DANGERS OF PASSING OR OVERTAKING A SCHOOL BUS IN VIOLATION OF
25 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS CHAPTER, TO REDUCE THE
26 NUMBER OF SUCH INCIDENTS, AND TO PROMOTE SCHOOL BUS SAFETY.
27 S 11. This act shall take effect on the first of November next
28 succeeding the date on which it shall have become a law; except that
29 sections four, five and ten of this act shall take effect on the first
30 of April next succeeding the effective date of this act.