

1698--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GALLIVAN, ADDABBO, KENNEDY, LARKIN, MAZIARZ, RANZEN-  
HOFER, SEWARD, ZELDIN -- read twice and ordered printed, and when  
printed to be committed to the Committee on Transportation -- commit-  
tee discharged, bill amended, ordered reprinted as amended and recom-  
mitted to said committee

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 ASSEM-  
BLY, 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 A PERSON, REAL PROPERTY OR PERSONAL PROPERTY, HAS A DUTY TO  
8 PERFORM A REASONABLE AND GOOD FAITH INVESTIGATION OF THE INCIDENT AND IF  
9 AS A RESULT OF SUCH INVESTIGATION SUCH PERSON KNOWS OR HAS REASON TO  
10 KNOW 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

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

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1 the same as soon as physically able to the nearest police station, or  
2 judicial officer. A PERSON OPERATING A MOTOR VEHICLE IN VIOLATION OF  
3 SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER, THAT CAME INTO  
4 CONTACT WITH A PERSON, REAL PROPERTY, OR PERSONAL PROPERTY, THAT  
5 RESULTED IN DAMAGE TO REAL PROPERTY OR TO THE PERSONAL PROPERTY, NOT  
6 INCLUDING ANIMALS OF ANOTHER, SHALL BE PRESUMED TO HAVE KNOWN OR HAVE  
7 CAUSE TO KNOW OF SUCH CONTACT AND OF SUCH DAMAGE, UNLESS SUCH PERSON  
8 SHOWS THAT THEY WOULD NOT HAVE KNOWN OR HAVE CAUSE TO KNOW OF SUCH  
9 CONTACT AND OF SUCH INJURY REGARDLESS OF INTOXICATION OR IMPAIRMENT BY  
10 THE USE OF ALCOHOL OR A DRUG, OR BY THE COMBINED INFLUENCE OF DRUGS OR  
11 OF ALCOHOL AND ANY DRUG OR DRUGS.

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

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

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

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

55 c. A violation of the provisions of paragraph a of this subdivision  
56 resulting solely from the failure of an operator to exhibit his or her

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

30 S 3. This act shall take effect immediately.