S T A T E O F N E W Y O R K

5527

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. ZELDIN -- 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 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:

Section 1. Section 600 of the vehicle and traffic law, as amended by chapter 49 of the laws of 2005, is amended to read as follows:

S 600. Leaving scene of an incident without reporting. 1. Property damage. a. Any person operating a motor vehicle who, knowing or having cause to know that THE MOTOR VEHICLE OPERATED BY SUCH PERSON HAS COME IN CONTACT WITH A PERSON, REAL PROPERTY OR PERSONAL PROPERTY, HAS A DUTY TO PERFORM A REASONABLE AND GOOD FAITH INVESTIGATION OF THE INCIDENT AND IF AS A RESULT OF SUCH INVESTIGATION SUCH PERSON KNOWS OR HAS REASON TO KNOW THAT damage has been caused to the real property or to the personal property, not including animals, of another, due to [an incident involving] THE CONTACT OF the motor vehicle operated by such person, SUCH PERSON shall, before leaving the place where the damage occurred, stop, exhibit his or her license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, and give his or her name, residence, including street and number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy, and license number to the party sustaining the damage, or in case the person sustaining the damage is not present at the place where the damage occurred then he or she shall report the same as soon as physically able to the nearest police station, or judicial officer. A PERSON OPERATING A MOTOR VEHICLE IN VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER, THAT CAME INTO CONTACT WITH A PERSON, REAL PROPERTY, OR PERSONAL PROPERTY, THAT RESULTED IN DAMAGE TO REAL PROPERTY OR TO THE PERSONAL PROPERTY, NOT

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

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INCLUDING ANIMALS OF ANOTHER, SHALL BE PRESUMED TO HAVE KNOWN OR HAVE CAUSE TO KNOW OF SUCH CONTACT AND OF SUCH DAMAGE, UNLESS SUCH PERSON SHOWS THAT THEY WOULD NOT HAVE KNOWN OR HAVE CAUSE TO KNOW OF SUCH CONTACT AND OF SUCH INJURY REGARDLESS OF INTOXICATION OR IMPAIRMENT BY THE USE OF ALCOHOL OR A DRUG, OR BY THE COMBINED INFLUENCE OF DRUGS OR OF ALCOHOL AND ANY DRUG OR DRUGS.

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

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

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

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

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

A misdemeanor punishable by a fine of not less than five hundred nor more than one thousand dollars in addition to any other penalties provided by law. Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, shall constitute a class [A misdemeanor] E FELONY, punishable by a fine of not less than [five hundred] ONE THOUSAND dollars nor more than one thousand FIVE HUNDRED dollars in addition to any other penalties provided by law. [Any such violation committed by a person after such person has previously been convicted of such a violation shall constitute a class E felony, punishable by a fine of not less than one thousand nor more than two thousand five hundred dollars in addition to any other penalties provided by law.] Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, where the personal injury involved (i) results in serious physical injury, as defined in section 10.00 of the penal law, shall constitute a class [E] D felony, punishable by a fine of not less than one thousand FIVE HUNDRED nor more than five thousand FIVE HUNDRED dollars in addition to any other penalties provided by law, or (ii) results in death shall constitute a class [D] C felony punishable by a fine of not less than two thousand nor more than five thousand FIVE HUNDRED dollars in addition to any other penalties provided by law.

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

S 600-A. AGGRAVATED LEAVING THE SCENE OF AN INCIDENT WITHOUT REPORTING. A PERSON IS GUILTY OF AGGRAVATED LEAVING THE SCENE OF AN INCIDENT WITHOUT REPORTING WHEN HE OR SHE LEAVES THE SCENE OF AN INCIDENT WITHOUT REPORTING, AS DEFINED BY SECTION SIX HUNDRED OF THIS ARTICLE, AND:

1. HAS PREVIOUSLY BEEN CONVICTED OF LEAVING THE SCENE OF AN INCIDENT WITHOUT REPORTING, AS DEFINED BY SECTION SIX HUNDRED OF THIS ARTICLE; OR

2. HAS PREVIOUSLY BEEN CONVICTED OF A VIOLENT FELONY OFFENSE AS DEFINED BY SECTION 70.02 OF THE PENAL LAW WITHIN THE PAST TEN YEARS; OR

3. HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING SECTIONS 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE), 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE), OR 120.04-A (AGGRAVATED VEHICULAR ASSAULT), 125.10 (CRIMINALLY NEGLIGENT HOMICIDE), 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE), 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE), 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE), 125.14 (AGGRAVATED VEHICULAR HOMICIDE), 125.15 (MANSLAUGHTER IN THE SECOND DEGREE), 125.20 (MANSLAUGHTER IN THE FIRST DEGREE), 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE), 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE), 125.25 (MURDER IN THE SECOND DEGREE), 125.26 (AGGRAVATED MURDER), 125.27 (MURDER IN THE FIRST DEGREE) OF THE PENAL LAW WITHIN THE PAST TEN YEARS;

4. HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING SECTION ONE THOUSAND TWO HUNDRED TWELVE OF THIS CHAPTER, WITHIN THE PAST TEN YEARS; OR

5. KNOWS OR HAS REASON TO KNOW THAT HIS OR HER LICENSE OR HIS OR HER PRIVILEGE TO OPERATE A MOTOR VEHICLE IN ANOTHER STATE OR HIS OR HER PRIVILEGE OF OBTAINING A LICENSE TO OPERATE A MOTOR VEHICLE IN ANOTHER STATE IS SUSPENDED OR REVOKED BASED UPON A CONVICTION IN SUCH OTHER STATE FOR AN OFFENSE WHICH WOULD, IF COMMITTED IN THIS STATE, CONSTITUTE A VIOLATION OF ANY OF THE PROVISIONS OF SECTION ONE THOUSAND ONE HUNDRED NINETY-TWO OF THIS CHAPTER; OR

6. KNOWS OR HAS REASON TO KNOW THAT HIS OR HER LICENSE OR HIS OR HER PRIVILEGE OF OPERATING A MOTOR VEHICLE IN THIS STATE OR HIS OR HER PRIVILEGE OF OBTAINING A LICENSE ISSUED BY THE COMMISSIONER IS SUSPENDED OR REVOKED AND SUCH SUSPENSION OR REVOCATION IS BASED UPON EITHER A REFUSAL TO SUBMIT TO A CHEMICAL TEST PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED NINETY-FOUR OF THIS CHAPTER, OR FOLLOWING A CONVICTION FOR VIOLATION OF ANY OF THE PROVISIONS OF SECTION ONE THOUSAND ONE HUNDRED NINETY-TWO OF THIS CHAPTER; OR

7. HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING ANY OF THE PROVISIONS OF SECTION ONE THOUSAND ONE HUNDRED NINETY-TWO OF THIS CHAPTER WITHIN THE PAST TEN YEARS, PROVIDED THAT, FOR THE PURPOSES OF THIS SUBDIVISION, A CONVICTION IN ANY OTHER STATE OR JURISDICTION FOR AN OFFENSE WHICH, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A VIOLATION OF SECTION ONE THOUSAND ONE HUNDRED NINETY-TWO OF THIS CHAPTER, SHALL BE TREATED AS IF THE VIOLATION OCCURRED IN THIS STATE.

A VIOLATION OF THIS SECTION, RESULTING IN PROPERTY DAMAGE, SHALL CONSTITUTE A CLASS D FELONY, PUNISHABLE BY A FINE OF NOT LESS THAN ONE THOUSAND FIVE HUNDRED DOLLARS, NOR MORE THAN FIVE THOUSAND FIVE HUNDRED DOLLARS, IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

A VIOLATION OF THIS SECTION, RESULTING IN SERIOUS PHYSICAL INJURY, AS DEFINED BY SECTION 10.00 OF THE PENAL LAW, SHALL CONSTITUTE A CLASS C FELONY, PUNISHABLE BY A FINE OF NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS, NOR MORE THAN FIVE THOUSAND FIVE HUNDRED DOLLARS, IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

A VIOLATION OF THIS SECTION, RESULTING IN DEATH, SHALL CONSTITUTE A CLASS B FELONY, PUNISHABLE BY A FINE OF NOT LESS THAN THREE THOUSAND FIVE HUNDRED DOLLARS, NOR MORE THAN FIVE THOUSAND FIVE HUNDRED DOLLARS, IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

S 3. This act shall take effect immediately. Provided however, section two of this act shall only apply when the underlying conviction occurred on or after the effective date of this act.