

2550

2013-2014 Regular Sessions

I N A S S E M B L Y

January 16, 2013

Introduced by M. of A. GABRYSZAK -- read once and referred 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:

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 involving]
12 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 sustaining
20 the damage, or in case the person sustaining the damage is not present
21 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

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

LBD05649-01-3

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

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

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

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

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

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

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

26 S 3. This act shall take effect immediately.