

2550--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted 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 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 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
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

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

LBD05649-03-3

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

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

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

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

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

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

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

27 S 3. This act shall take effect immediately.