

2550--B

2013-2014 Regular Sessions

I N A S S E M B L Y

January 16, 2013

Introduced by M. of A. GABRYSZAK, WALTER, CORWIN -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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 damage has been caused to the real property or to the  
7 personal property, not including animals, of another, due to an incident  
8 involving the motor vehicle operated by such person shall, before leav-  
9 ing the place where the damage occurred, stop, exhibit his or her  
10 license and insurance identification card for such vehicle, when such  
11 card is required pursuant to articles six and eight of this chapter, and  
12 give his or her name, residence, including street and number, insurance  
13 carrier and insurance identification information including but not  
14 limited to the number and effective dates of said individual's insurance  
15 policy, and license number to the party sustaining the damage, or in  
16 case the person sustaining the damage is not present at the place where  
17 the damage occurred then he or she shall report the same as soon as  
18 physically able to the nearest police station, or judicial officer. IN  
19 ANY PROSECUTION UNDER THIS PARAGRAPH, NO PERSON OPERATING A MOTOR VEHI-  
20 CLE IN VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER  
21 SHALL BE DETERMINED NOT TO HAVE KNOWN OR HAD CAUSE TO KNOW OF SUCH INCI-  
22 DENT SOLELY BY REASON OF VOLUNTARY INTOXICATION.

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

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

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

11 2. Personal injury. a. Any person operating a motor vehicle who, know-  
12 ing or having cause to know that personal injury has been caused to  
13 another person, due to an incident involving the motor vehicle operated  
14 by such person shall, before leaving the place where the said personal  
15 injury occurred, stop, exhibit his or her license and insurance iden-  
16 tification card for such vehicle, when such card is required pursuant to  
17 articles six and eight of this chapter, and give his or her name, resi-  
18 dence, including street and street number, insurance carrier and insur-  
19 ance identification information including but not limited to the number  
20 and effective dates of said individual's insurance policy and license  
21 number, to the injured party, if practical, and also to a police offi-  
22 cer, or in the event that no police officer is in the vicinity of the  
23 place of said injury, then, he or she shall report said incident as soon  
24 as physically able to the nearest police station or judicial officer.  
25 IN ANY PROSECUTION UNDER THIS PARAGRAPH, NO PERSON OPERATING A MOTOR  
26 VEHICLE IN VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAP-  
27 TER SHALL BE DETERMINED NOT TO HAVE KNOWN OR HAD CAUSE TO KNOW OF SUCH  
28 INCIDENT SOLELY BY REASON OR VOLUNTARY INTOXICATION.

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

35 c. A violation of the provisions of paragraph a of this subdivision  
36 resulting solely from the failure of an operator to exhibit his or her  
37 license and insurance identification card for the vehicle or exchange  
38 the information required in such paragraph shall constitute a class B  
39 misdemeanor punishable by a fine of not less than two hundred fifty nor  
40 more than five hundred dollars in addition to any other penalties  
41 provided by law. Any subsequent such violation shall constitute a class  
42 A misdemeanor punishable by a fine of not less than five hundred nor  
43 more than one thousand dollars in addition to any other penalties  
44 provided by law. Any violation of the provisions of paragraph a of this  
45 subdivision, other than for the mere failure of an operator to exhibit  
46 his or her license and insurance identification card for such vehicle or  
47 exchange the information required in such paragraph, shall constitute a  
48 class A misdemeanor, punishable by a fine of not less than five hundred  
49 dollars nor more than one thousand dollars in addition to any other  
50 penalties provided by law. Any such violation committed by a person  
51 after such person has previously been convicted of such a violation  
52 shall constitute a class E felony, punishable by a fine of not less than  
53 one thousand nor more than two thousand five hundred dollars in addition  
54 to any other penalties provided by law. Any violation of the provisions  
55 of paragraph a of this subdivision, other than for the mere failure of  
56 an operator to exhibit his or her license and insurance identification

1 card for such vehicle or exchange the information required in such para-  
2 graph, where the personal injury involved (i) results in serious phys-  
3 ical injury, as defined in section 10.00 of the penal law, shall consti-  
4 tute a class E felony, punishable by a fine of not less than one  
5 thousand nor more than five thousand dollars in addition to any other  
6 penalties provided by law, or (ii) results in death shall constitute a  
7 class D felony punishable by a fine of not less than two thousand nor  
8 more than five thousand dollars in addition to any other penalties  
9 provided by law.

10 S 3. This act shall take effect immediately.