

4011

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 30, 2013

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Introduced by M. of A. GABRYSZAK -- read once and referred to the  
Committee on Transportation

AN ACT to amend the vehicle and traffic law and the penal law, in  
relation to increasing fines and penalties for passing a stopped  
school bus

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision (c) of section 1174 of the vehicle and traffic  
2     law, as amended by chapter 254 of the laws of 2002, is amended to read  
3     as follows:  
4     (c) Every person convicted of a violation of subdivision (a) of this  
5     section shall BE SUBJECT TO THE FOLLOWING FINES AND PENALTIES:  
6     (I) for a first conviction thereof, be punished by a fine of not less  
7     than [two hundred fifty] FOUR HUNDRED dollars nor more than [four  
8     hundred] SEVEN HUNDRED FIFTY dollars or by imprisonment for not more  
9     than thirty days or by both such fine and imprisonment;  
10    (II) for a conviction of a second violation, both of which were  
11    committed within a period of three years, such person shall be punished  
12    by a fine of not less than [six hundred dollars] NINE HUNDRED FIFTY nor  
13    more than [seven hundred fifty] ONE THOUSAND ONE HUNDRED FIFTY dollars  
14    or by imprisonment for not more than one hundred eighty days or by both  
15    such fine and imprisonment;  
16    (III) upon a conviction of a third or subsequent violation, all of  
17    which were committed within a period of three years, such person shall  
18    be punished by a fine of not less than [seven hundred fifty] ONE THOU-  
19    SAND ONE HUNDRED FIFTY dollars nor more than [one thousand] ONE THOUSAND  
20    FIVE HUNDRED dollars or by imprisonment for not more than one hundred  
21    eighty days or by both such fine and imprisonment.  
22    S 2. Subdivision 6 of section 120.04-a of the penal law, as added by  
23    chapter 496 of the laws of 2009, is amended and a new subdivision 7 is  
24    added to read as follows:

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

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1 (6) commits such crime while operating a motor vehicle while a child  
2 who is fifteen years of age or less is a passenger in such motor vehicle  
3 and causes serious physical injury to such child[.]; OR  
4 (7) VIOLATES ANY PROVISION OF SUBDIVISION (A) OF SECTION ELEVEN  
5 HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW AND IN THE COMMIS-  
6 SION OF SUCH OFFENSE CAUSES INJURY TO A PERSON.  
7 S 3. Section 125.10 of the penal law is amended to read as follows:  
8 S 125.10 Criminally negligent homicide.  
9 A person is guilty of criminally negligent homicide when[, with]:  
10 1. WITH criminal negligence, he OR SHE causes the death of another  
11 person[.]; OR  
12 2. HE OR SHE CAUSES THE DEATH OF ANOTHER PERSON WHILE OPERATING A  
13 MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED  
14 SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW.  
15 Criminally negligent homicide is a class E felony.  
16 S 4. This act shall take effect immediately.