

7315--A

2013-2014 Regular Sessions

I N A S S E M B L Y

May 10, 2013

Introduced by M. of A. HENNESSEY, THIELE, RAMOS, PERRY, PEOPLES-STOKES, COOK, HOOPER, ENGLEBRIGHT, GARBARINO, GUNTHER, SCHIMEL -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- 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. Section 600 of the vehicle and traffic law, as amended by
2 chapter 49 of the laws of 2005, is amended to read as follows:
3 S 600. Leaving scene of an incident without reporting. 1. Property
4 damage. a. Any person operating a motor vehicle who, knowing or having
5 cause to know that THE MOTOR VEHICLE OPERATED BY SUCH PERSON HAS COME IN
6 CONTACT WITH A PERSON, REAL PROPERTY OR PERSONAL PROPERTY, HAS A DUTY TO
7 PERFORM A REASONABLE AND GOOD FAITH INVESTIGATION OF THE INCIDENT AND IF
8 AS A RESULT OF SUCH INVESTIGATION SUCH PERSON KNOWS OR HAS REASON TO
9 KNOW THAT damage has been caused to the real property or to the personal
10 property, not including animals, of another, due to [an incident involv-
11 ing] THE CONTACT OF the motor vehicle operated by such person, SUCH
12 PERSON shall, before leaving the place where the damage occurred, stop,
13 exhibit his or her license and insurance identification card for such
14 vehicle, when such card is required pursuant to articles six and eight
15 of this chapter, and give his or her name, residence, including street
16 and number, insurance carrier and insurance identification information
17 including but not limited to the number and effective dates of said
18 individual's insurance policy, and license number to the party sustain-
19 ing the damage, or in case the person sustaining the damage is not pres-
20 ent at the place where the damage occurred then he or she shall report
21 the same as soon as physically able to the nearest police station, or

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

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1 judicial officer. A PERSON OPERATING A MOTOR VEHICLE IN VIOLATION OF
2 SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER, THAT CAME INTO
3 CONTACT WITH A PERSON, REAL PROPERTY, OR PERSONAL PROPERTY, THAT
4 RESULTED IN DAMAGE TO REAL PROPERTY OR TO THE PERSONAL PROPERTY, NOT
5 INCLUDING ANIMALS OF ANOTHER, SHALL BE PRESUMED TO HAVE KNOWN OR HAVE
6 CAUSE TO KNOW OF SUCH CONTACT AND OF SUCH DAMAGE, UNLESS SUCH PERSON
7 SHOWS THAT THEY WOULD NOT HAVE KNOWN OR HAVE CAUSE TO KNOW OF SUCH
8 CONTACT AND OF SUCH INJURY REGARDLESS OF INTOXICATION OR IMPAIRMENT BY
9 THE USE OF ALCOHOL OR A DRUG, OR BY THE COMBINED INFLUENCE OF DRUGS OR
10 OF ALCOHOL AND ANY DRUG OR DRUGS.

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

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

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

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

54 c. A violation of the provisions of paragraph a of this subdivision
55 resulting solely from the failure of an operator to exhibit his or her
56 license and insurance identification card for the vehicle or exchange

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

30 S 2. The vehicle and traffic law is amended by adding a new section
31 600-a to read as follows:

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

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

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

40 3. HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING SECTIONS 120.03 (VEHICU-
41 LAR ASSAULT IN THE SECOND DEGREE), 120.04 (VEHICULAR ASSAULT IN THE
42 FIRST DEGREE), OR 120.04-A (AGGRAVATED VEHICULAR ASSAULT), 125.10
43 (CRIMINALLY NEGLIGENT HOMICIDE), 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT
44 HOMICIDE), 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE), 125.13
45 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE), 125.14 (AGGRAVATED VEHICU-
46 LAR HOMICIDE), 125.15 (MANSLAUGHTER IN THE SECOND DEGREE), 125.20
47 (MANSLAUGHTER IN THE FIRST DEGREE), 125.21 (AGGRAVATED MANSLAUGHTER IN
48 THE SECOND DEGREE), 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST
49 DEGREE), 125.25 (MURDER IN THE SECOND DEGREE), 125.26 (AGGRAVATED
50 MURDER), 125.27 (MURDER IN THE FIRST DEGREE) OF THE PENAL LAW WITHIN THE
51 PAST TEN YEARS;

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

54 5. KNOWS OR HAS REASON TO KNOW THAT HIS OR HER LICENSE OR HIS OR HER
55 PRIVILEGE TO OPERATE A MOTOR VEHICLE IN ANOTHER STATE OR HIS OR HER
56 PRIVILEGE OF OBTAINING A LICENSE TO OPERATE A MOTOR VEHICLE IN ANOTHER

1 STATE IS SUSPENDED OR REVOKED BASED UPON A CONVICTION IN SUCH OTHER
2 STATE FOR AN OFFENSE WHICH WOULD, IF COMMITTED IN THIS STATE, CONSTITUTE
3 A VIOLATION OF ANY OF THE PROVISIONS OF SECTION ONE THOUSAND ONE HUNDRED
4 NINETY-TWO OF THIS CHAPTER; OR

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

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

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

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

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

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