

5028--A

2013-2014 Regular Sessions

I N S E N A T E

May 6, 2013

Introduced by Sens. YOUNG, BOYLE, LATIMER, MARCHIONE, RANZENHOFER, SEWARD, TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the education law, in relation to authorizing the installation and use of safety cameras on school buses for the purpose of monitoring overtaking and passing of school bus violations; to amend the vehicle and traffic law, in relation to owner liability for an operator illegally overtaking or passing a school bus; and to amend the penal law, in relation to assault in the third degree and criminally negligent homicide

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "school bus camera safety act".  
3 S 2. Section 375 of the vehicle and traffic law is amended by adding a  
4 new subdivision 21-j to read as follows:  
5 21-J. SCHOOL BUSES OWNED OR CONTRACTED FOR BY A SCHOOL DISTRICT WHICH  
6 HAS ADOPTED A RESOLUTION PROVIDING FOR THE INSTALLATION OF SCHOOL BUS  
7 SAFETY CAMERAS, AS DEFINED IN SECTION ELEVEN HUNDRED SEVENTY-FOUR-A OF  
8 THIS CHAPTER, MAY BE EQUIPPED WITH AND OPERATE SUCH CAMERAS. THE COMMIS-  
9 SIONER SHALL PROMULGATE RULES AND REGULATIONS FOR THE INSTALLATION OF  
10 SCHOOL BUS SAFETY CAMERAS.  
11 S 3. The vehicle and traffic law is amended by adding a new section  
12 1174-a to read as follows:  
13 S 1174-A. OWNER LIABILITY FOR OPERATOR ILLEGALLY OVERTAKING OR PASSING  
14 A SCHOOL BUS. (A) FOR THE PURPOSES OF THIS SECTION:  
15 1. "SCHOOL BUS SAFETY CAMERA" MEANS AN AUTOMATED PHOTO MONITORING  
16 DEVICE AFFIXED TO A SCHOOL BUS AND DESIGNED TO DETECT AND STORE AN IMAGE

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

LBD10771-03-4

1 OF MOTOR VEHICLES WHICH OVERTAKE OR PASS SCHOOL BUSES IN VIOLATION OF  
2 SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

3 2. "OWNER" SHALL HAVE THE SAME MEANING PROVIDED IN ARTICLE TWO-B OF  
4 THIS CHAPTER.

5 (B) 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE BOARD OF EDUCA-  
6 TION OR OF TRUSTEES OF A SCHOOL DISTRICT IS HEREBY AUTHORIZED AND  
7 EMPOWERED TO ADOPT A RESOLUTION PROVIDING FOR THE INSTALLATION AND OPER-  
8 ATION OF SCHOOL BUS SAFETY CAMERAS UPON SCHOOL BUSES OPERATED BY OR  
9 CONTRACTED WITH SUCH DISTRICT, AND PROVIDING FOR THE FORWARDING OF  
10 IMAGES FROM SUCH CAMERAS TO A LAW ENFORCEMENT AGENCY HAVING JURISDICTION  
11 IN THE AREA IN WHICH SUCH SCHOOL BUSES OPERATE, FOR THE PURPOSE OF  
12 IMPOSING MONETARY LIABILITY ON THE OWNER OF A MOTOR VEHICLE FOR ILLEGAL-  
13 LY OVERTAKING OR PASSING A SCHOOL BUS IN VIOLATION OF SUBDIVISION (A) OF  
14 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

15 2. THE BOARD OF EDUCATION OR OF TRUSTEES OF THE SCHOOL DISTRICT MAY,  
16 FURTHERMORE, ENTER INTO AN AGREEMENT WITH A PRIVATE VENDOR FOR THE  
17 INSTALLATION, OPERATION, NOTICE PROCESSING AND ADMINISTRATION, AND MAIN-  
18 TENANCE OF SCHOOL BUS SAFETY CAMERAS ON BUSES WITHIN SUCH DISTRICT'S  
19 FLEET, WHETHER OWNED OR LEASED.

20 3. SUCH SCHOOL BUS SAFETY CAMERAS SHALL UTILIZE NECESSARY TECHNOLOGIES  
21 TO ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH  
22 CAMERAS SHALL NOT INCLUDE IMAGES THAT IDENTIFY THE DRIVER, THE PASSEN-  
23 GERS OR THE CONTENTS OF THE VEHICLE; SHALL ONLY PRODUCE A PHOTOGRAPHIC  
24 IMAGE OF THE FRONT OR REAR REGISTRATION NUMBER PLATE OF THE MOTOR VEHI-  
25 CLE; AND SHALL ONLY PRODUCE A PHOTOGRAPHIC IMAGE OF A VEHICLE WHICH  
26 PASSES OR OVERTAKES THE SCHOOL BUS, IN VIOLATION OF SUBDIVISION (A) OF  
27 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE, WHILE THE SCHOOL  
28 BUS IS AT A FULL STOP AND THE RED VISUAL SIGNAL, AS SPECIFIED IN SUBDI-  
29 VISION TWENTY OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER, IS  
30 BEING OPERATED. PROVIDED, HOWEVER, THAT NO SIMPLIFIED TRAFFIC INFORMA-  
31 TION ISSUED PURSUANT TO THIS SECTION SHALL BE DISMISSED SOLELY BECAUSE A  
32 PHOTOGRAPH OR PHOTOGRAPHS ALLOW FOR THE IDENTIFICATION OF THE CONTENTS  
33 OF A MOTOR VEHICLE.

34 4. SUCH A SCHOOL DISTRICT MAY ENTER INTO AN INTERGOVERNMENTAL AGREE-  
35 MENT WITH A LOCAL GOVERNING AUTHORITY TO OFFSET THE EXPENSES RELATING TO  
36 THE ONGOING OPERATION OF SCHOOL BUS SAFETY CAMERAS AND THE IMPLEMENTA-  
37 TION OF THE PROVISIONS OF THIS SECTION.

38 (C) IN ANY SCHOOL DISTRICT IN WHICH SCHOOL BUS SAFETY CAMERAS ARE  
39 INSTALLED AND OPERATED PURSUANT TO SUBDIVISION (B) OF THIS SECTION, THE  
40 OWNER OF A MOTOR VEHICLE, UPON ISSUANCE OF A SIMPLIFIED TRAFFIC INFORMA-  
41 TION BY A POLICE OFFICER, SHALL BE LIABLE FOR A CIVIL PENALTY EQUAL TO  
42 THE FINES ESTABLISHED IN SUBDIVISION (C) OF SECTION ELEVEN HUNDRED  
43 SEVENTY-FOUR OF THIS ARTICLE IF SUCH VEHICLE WAS USED OR OPERATED WITH  
44 THE PERMISSION OF THE OWNER, EXPRESS OR IMPLIED, IN VIOLATION OF SUBDI-  
45 VISION (A) OF SUCH SECTION, AND SUCH VIOLATION IS EVIDENCED BY INFORMA-  
46 TION OBTAINED FROM A SCHOOL BUS SAFETY CAMERA; PROVIDED, HOWEVER, THAT  
47 NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO  
48 THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN CONVICTED OF  
49 THE UNDERLYING VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED  
50 SEVENTY-FOUR OF THIS ARTICLE. PROVIDED, FURTHER, THAT THE NET PROCEEDS  
51 OF ANY PENALTY, AFTER THE EXPENSES OF ADMINISTRATION, COLLECTED BY A  
52 TRAFFIC VIOLATIONS BUREAU OR COURT PURSUANT TO THIS SECTION SHALL BE  
53 EXPENDED FOR PROGRAMS RELATED TO IMPROVING PUBLIC SAFETY AND/OR SCHOOL  
54 DISTRICT SAFETY IN THE MUNICIPALITY IN WHICH THE VIOLATION OCCURRED.

55 (D) AFTER A SCHOOL DISTRICT FORWARDS THE IMAGES FROM ITS SCHOOL BUS  
56 SAFETY CAMERAS TO A LAW ENFORCEMENT AGENCY, A POLICE OFFICER SHALL

1 INSPECT SUCH IMAGES TO DETERMINE WHETHER A VIOLATION OF SUBDIVISION (A)  
2 OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE WAS COMMITTED. IF  
3 SUCH POLICE OFFICER FINDS THAT SUCH A VIOLATION OCCURRED, HE OR SHE  
4 SHALL ISSUE A SIMPLIFIED TRAFFIC INFORMATION ALLEGING THE VIOLATION, AND  
5 SUCH INFORMATION WITH A COPY OF THE PHOTOGRAPHIC IMAGE OF THE VIOLATION  
6 SHALL BE MAILED TO THE OWNER OF THE MOTOR VEHICLE BY FIRST CLASS MAIL  
7 WITHIN THIRTY DAYS OF THE ALLEGED VIOLATION. THE IMAGES PRODUCED BY A  
8 SCHOOL BUS SAFETY CAMERA SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS  
9 CONTAINED THEREIN. ALL PHOTOGRAPHIC IMAGES OF MOTOR VEHICLES WHICH DO  
10 NOT DEPICT OR RESULT IN LIABILITY FOR VIOLATION OF SUBDIVISION (A) OF  
11 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE SHALL BE DESTROYED  
12 BY THE APPROPRIATE SCHOOL DISTRICT AND LAW ENFORCEMENT AGENCY WITHIN TWO  
13 DAYS.

14 (E) AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE  
15 DEEMED A CONVICTION AS AN OPERATOR AND SHALL NOT BE MADE PART OF THE  
16 OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR  
17 SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHI-  
18 CLE INSURANCE COVERAGE.

19 (F) 1. A SIMPLIFIED TRAFFIC INFORMATION AND THE PHOTOGRAPHIC IMAGE OF  
20 THE ALLEGED VIOLATION SHALL BE SENT BY FIRST CLASS MAIL TO EACH PERSON  
21 ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION (A) OF  
22 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSUANT TO THIS  
23 SECTION. PERSONAL DELIVERY ON THE OWNER SHALL NOT BE REQUIRED. A MANUAL  
24 OR AUTOMATIC RECORD OF MAILING PREPARED IN THE ORDINARY COURSE OF BUSI-  
25 NESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN.

26 2. A SIMPLIFIED TRAFFIC INFORMATION SHALL CONTAIN THE NAME AND ADDRESS  
27 OF THE PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDI-  
28 VISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSU-  
29 ANT TO THIS SECTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN  
30 SUCH VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE  
31 AND TIME OF SUCH VIOLATION AND THE IDENTIFICATION NUMBER OF THE SCHOOL  
32 BUS SAFETY CAMERA WHICH RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR  
33 NUMBER.

34 3. THE SIMPLIFIED TRAFFIC INFORMATION SHALL CONTAIN INFORMATION ADVIS-  
35 ING THE PERSON CHARGED OF THE MANNER, THE TIME, THE PLACE AND THE COURT  
36 OR ADMINISTRATIVE BODY IN WHICH HE OR SHE MAY CONTEST THE LIABILITY  
37 ALLEGED IN THE SIMPLIFIED TRAFFIC INFORMATION. SUCH SIMPLIFIED TRAFFIC  
38 INFORMATION SHALL ALSO CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED  
39 THAT FAILURE TO ANSWER IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED  
40 AN ADMISSION OF LIABILITY AND THAT HE OR SHE SHALL BE LIABLE FOR FAILURE  
41 TO RESPOND TO A SUMMONS.

42 (G) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS BY THIS SECTION  
43 SHALL BE BY A TRAFFIC VIOLATIONS BUREAU ESTABLISHED PURSUANT TO SECTION  
44 THREE HUNDRED SEVENTY OF THE GENERAL MUNICIPAL LAW OR, IF THERE BE NONE,  
45 BY THE COURT HAVING JURISDICTION OVER TRAFFIC INFRACTIONS.

46 (H) IF AN OWNER RECEIVES A SIMPLIFIED TRAFFIC INFORMATION PURSUANT TO  
47 THIS SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE WAS REPORTED  
48 TO A LAW ENFORCEMENT AGENCY AS HAVING BEEN STOLEN, IT SHALL BE A VALID  
49 DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVISION (A)  
50 OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSUANT TO THIS  
51 SECTION THAT THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR  
52 TO THE TIME THE VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH  
53 TIME. FOR PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION  
54 IT SHALL BE SUFFICIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE  
55 STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL TO THE TRAFFIC VIOLATIONS  
56 BUREAU, COURT HAVING JURISDICTION OR PARKING VIOLATIONS BUREAU.

1 (I) AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A SIMPLIFIED TRAF-  
2 FIC INFORMATION WAS ISSUED PURSUANT TO THIS SECTION SHALL NOT BE LIABLE  
3 FOR THE VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-  
4 FOUR OF THIS ARTICLE, PROVIDED THAT HE OR SHE SENDS TO THE COURT HAVING  
5 JURISDICTION A COPY OF THE RENTAL, LEASE OR OTHER SUCH CONTRACT DOCUMENT  
6 COVERING SUCH VEHICLE ON THE DATE OF THE VIOLATION, WITH THE NAME AND  
7 ADDRESS OF THE LESSEE CLEARLY LEGIBLE, WITHIN THIRTY-SEVEN DAYS AFTER  
8 RECEIVING NOTICE FROM THE COURT OF THE DATE AND TIME OF SUCH VIOLATION,  
9 TOGETHER WITH THE OTHER INFORMATION CONTAINED IN THE ORIGINAL SIMPLIFIED  
10 TRAFFIC INFORMATION. FAILURE TO SEND SUCH INFORMATION WITHIN SUCH THIR-  
11 TY-SEVEN DAY TIME PERIOD SHALL RENDER THE OWNER LIABLE FOR THE PENALTY  
12 PRESCRIBED BY THIS SECTION. WHERE THE LESSOR COMPLIES WITH THE  
13 PROVISIONS OF THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE  
14 OF SUCH VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR  
15 PURPOSES OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR THE  
16 VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF  
17 THIS ARTICLE PURSUANT TO THIS SECTION AND SHALL BE SENT A SIMPLIFIED  
18 TRAFFIC INFORMATION PURSUANT TO THIS SECTION.

19 (J) IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (A) OF SECTION  
20 ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSUANT TO THIS SECTION WAS  
21 NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE OWNER  
22 MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.

23 (K) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY  
24 OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF SUBDIVISION (A) OF  
25 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

26 (L) THE SCHOOL BUS SAFETY CAMERAS INSTALLED AND OPERATED PURSUANT TO  
27 THIS SECTION SHALL BE USED SOLELY FOR THE PURPOSES OF CARRYING OUT  
28 PHOTO-MONITORING OF VIOLATIONS OF SUBDIVISION (A) OF SECTION ELEVEN  
29 HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

30 S 4. Section 3621 of the education law is amended by adding a new  
31 subdivision 16 to read as follows:

32 16. "SCHOOL BUS SAFETY CAMERA" SHALL MEAN AN AUTOMATED PHOTO MONITOR-  
33 ING DEVICE AUTHORIZED TO BE INSTALLED AND OPERATED IN A SCHOOL BUS  
34 PURSUANT TO SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAF-  
35 FIC LAW.

36 S 5. Paragraph c of subdivision 2 of section 3623-a of the education  
37 law, as amended by chapter 453 of the laws of 2005, is amended to read  
38 as follows:

39 c. The purchase of equipment deemed a proper school district expense,  
40 including: (i) the purchase of two-way radios to be used on old and new  
41 school buses, (ii) the purchase of stop-arms, to be used on old and new  
42 school buses, (iii) the purchase and installation of seat safety belts  
43 on school buses in accordance with the provisions of section thirty-six  
44 hundred thirty-five-a of this article, (iv) the purchase of school bus  
45 back up beepers, (v) the purchase of school bus front crossing arms,  
46 (vi) the purchase of school bus safety sensor devices, (vii) the  
47 purchase and installation of exterior reflective marking on school  
48 buses, (viii) the purchase of automatic engine fire extinguishing  
49 systems for school buses used to transport students who use wheelchairs  
50 or other assistive mobility devices, (IX) THE PURCHASE OF SCHOOL BUS  
51 SAFETY CAMERAS, and [(ix)] (X) the purchase of other equipment as  
52 prescribed in the regulations of the commissioner; and

53 S 6. Subdivision 3 and paragraph a of subdivision 4 of section 227 of  
54 the vehicle and traffic law, subdivision 3 as amended by chapter 337 of  
55 the laws of 1970 and renumbered by chapter 288 of the laws of 1989 and

1 paragraph a of subdivision 4 as amended by section 7 of part J of chap-  
2 ter 62 of the laws of 2003, are amended to read as follows:

3 3. After due consideration of the evidence and arguments offered in a  
4 contested case, the hearing officer shall determine whether the charges  
5 have been established. IN THE CASE OF AN OWNER CHARGED AS SUCH PURSUANT  
6 TO THIS ARTICLE, IT SHALL BE A COMPLETE DEFENSE TO SUCH CHARGE THAT A  
7 VEHICLE ALLEGED TO BE IN VIOLATION WAS OPERATED WITHOUT THE PERMISSION  
8 OF SUCH OWNER OR HIS OR HER AGENT AND THE ESTABLISHMENT OF LACK OF  
9 PERMISSION SHALL RESULT IN AN ORDER DISMISSING SUCH CHARGE AGAINST SUCH  
10 OWNER. Where the charges have not been established, an order dismissing  
11 the charges shall be entered. Where a determination is made that a  
12 charge has been established, either in a contested case or in an uncon-  
13 tested case where there is an appearance before a hearing officer, or if  
14 an answer admitting the charge otherwise has been received, an appropri-  
15 ate order shall be entered in the department's records.

16 a. An order entered upon the failure to answer or appear or after the  
17 receipt of an answer admitting the charge or where a determination is  
18 made that the charge has been established shall be civil in nature, but  
19 shall be treated as a conviction for the purposes of this chapter. The  
20 commissioner or his OR HER designee may include in such order an imposi-  
21 tion of any penalty authorized by any provision of this chapter for a  
22 conviction of such violation, except that no penalty [therefore] THERE-  
23 FOR shall include imprisonment, nor, if monetary, exceed the amount of  
24 the fine which could have been imposed had the charge been heard by a  
25 court. The driver's license or privileges, or, if the charge involves a  
26 violation of section three hundred eighty-five or section four hundred  
27 one of this chapter by a registrant who was not the operator of the  
28 vehicle, the registration of such vehicle or privilege of operation of  
29 any motor vehicle owned by such registrant may be suspended pending the  
30 payment of any penalty so imposed; HOWEVER, IN THE CASE OF AN OWNER  
31 CHARGED AS SUCH PURSUANT TO THIS ARTICLE, HIS OR HER DRIVER'S LICENSE OR  
32 PRIVILEGE SHALL NOT BE AFFECTED BY SUCH ORDER OR DETERMINATION OTHER  
33 THAN AS SUSPENSION THEREOF FOR FAILURE TO APPEAR OR PAY AS SET FORTH IN  
34 THIS ARTICLE, NOR SHALL A CONVICTION HEREUNDER OF SUCH OWNER AS SUCH  
35 RESULT IN DEPARTMENTAL ADMINISTRATIVE SANCTIONS AFFECTING HIS OR HER  
36 DRIVER'S LICENSE OR PRIVILEGE. Any suspension issued pursuant to this  
37 paragraph shall be subject to the provisions of paragraph (j-1) of  
38 subdivision two of section five hundred three of this chapter.

39 S 7. Paragraph k of subdivision 3 of section 510 of the vehicle and  
40 traffic law, as amended by chapter 124 of the laws of 1992, is amended  
41 and a new paragraph l is added to read as follows:

42 k. for a period of up to ninety days because of the conviction of the  
43 holder of the offenses of menacing as defined in section 120.15 of the  
44 penal law, where such offense was committed against a traffic enforce-  
45 ment agent employed by the city of New York or the city of Buffalo while  
46 such agent was enforcing or attempting to enforce the traffic regu-  
47 lations of such city[.];

48 L. FOR A PERIOD OF UP TO SIXTY DAYS FOR A VIOLATION OF SECTION ELEVEN  
49 HUNDRED SEVENTY-FOUR OF THIS CHAPTER.

50 S 8. Section 120.00 of the penal law is amended to read as follows:  
51 S 120.00 Assault in the third degree.

52 A person is guilty of assault in the third degree when:

- 53 1. With intent to cause physical injury to another person, he OR SHE  
54 causes such injury to such person or to a third person; or  
55 2. He OR SHE recklessly causes physical injury to another person; or

1 3. With criminal negligence, he OR SHE causes physical injury to  
2 another person by means of a deadly weapon or a dangerous instrument[.];  
3 OR  
4 4. HE OR SHE CAUSES PHYSICAL INJURY TO ANOTHER PERSON WHILE OPERATING  
5 A MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN  
6 HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW.  
7 Assault in the third degree is a class A misdemeanor.  
8 S 9. Section 125.10 of the penal law is amended to read as follows:  
9 S 125.10 Criminally negligent homicide.  
10 A person is guilty of criminally negligent homicide when[, with]:  
11 1. WITH criminal negligence, he OR SHE causes the death of another  
12 person[.]; OR  
13 2. HE OR SHE CAUSES THE DEATH OF ANOTHER PERSON WHILE OPERATING A  
14 MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED  
15 SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW.  
16 Criminally negligent homicide is a class E felony.  
17 S 10. The vehicle and traffic law is amended by adding a new section  
18 223-a to read as follows:  
19 S 223-A. SCHOOL BUS SAFETY EDUCATION PROGRAM. THE COMMISSIONER SHALL,  
20 IN CONJUNCTION WITH THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE, THE DEPART-  
21 MENTS OF EDUCATION AND TRANSPORTATION, THE DIVISION OF STATE POLICE, AND  
22 THE STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFETY TRAINING COUNCIL,  
23 DESIGN AND IMPLEMENT A PUBLIC EDUCATION PROGRAM TO EDUCATE MOTORISTS  
24 UPON THE DANGERS OF PASSING OR OVERTAKING A SCHOOL BUS IN VIOLATION OF  
25 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS CHAPTER, TO REDUCE THE  
26 NUMBER OF SUCH INCIDENTS, AND TO PROMOTE SCHOOL BUS SAFETY.  
27 S 11. This act shall take effect on the first of November next  
28 succeeding the date on which it shall have become a law; except that  
29 sections four, five and ten of this act shall take effect on the first  
30 of April next succeeding the effective date of this act.