S T A T E O F N E W Y O R K

6180

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to performance of illegal maneuvers while operating a motorcycle

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

Section 1. The vehicle and traffic law is amended by adding a new section 1254 to read as follows:

S 1254. PERFORMANCE OF AN ILLEGAL MANEUVER WHILE OPERATING A MOTORCYCLE. (A) "ILLEGAL MANEUVER" SHALL MEAN ANY MANEUVER PERFORMED BY THE OPERATOR OF A MOTORCYCLE WHICH REQUIRES THE FRONT OR REAR WHEEL OF SUCH MOTORCYCLE TO LEAVE CONTACT WITH THE ROAD, OR ANY MANEUVER DESCRIBED IN SUBDIVISIONS (B) AND (C) OF SECTION TWELVE HUNDRED FIFTY-TWO OF THIS ARTICLE. ILLEGAL MANEUVER SHALL NOT MEAN A MANEUVER PERFORMED BY A MOTORCYCLE WITH A SIDE PASSENGER TRUCK ATTACHMENT, IN WHICH THE SIDE TRUCK LEAVES THE ROAD IN THE COURSE OF TAKING A TURN.

(B) AN OPERATOR OF A MOTORCYCLE THAT PERFORMS AN ILLEGAL MANEUVER THAT RESULTS IN PROPERTY DAMAGE OR BODILY HARM OF ANOTHER SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED TWENTY-FIVE HUNDRED DOLLARS AND THE AUTOMATIC REVOCATION OF THE OPERATOR'S LICENSE AND REGISTRATION FOR A PERIOD OF ONE YEAR.

(C) AN OPERATOR OF A MOTORCYCLE THAT PERFORMS AN ILLEGAL MANEUVER THAT RESULTS IN PROPERTY DAMAGE OR BODILY HARM OF ANOTHER WITHIN EIGHTEEN MONTHS OF A PRIOR CONVICTION WHERE THE VIOLATOR PERFORMED AN ILLEGAL MANEUVER THAT RESULTED IN PROPERTY DAMAGE OR BODILY HARM OF ANOTHER, SHALL BE PUBLISHABLE BY THE FORFEITURE OF THE OPERATOR'S MOTORCYCLE AND THE AUTOMATIC REVOCATION OF THE OPERATOR'S LICENSE AND REGISTRATION FOR A PERIOD OF TWO YEARS.

S 2. Subparagraphs (x) and (xi) of paragraph a of subdivision 2 of section 510 of the vehicle and traffic law, as added by chapter 571 of the laws of 2006, are amended and two new subparagraphs (xii) and (xiii) are 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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(x) of a traffic infraction for a subsequent violation of article twenty-six of this chapter and the commission of such violation caused serious physical injury to another person and such subsequent violation occurred within eighteen months of a prior violation of any provision of article twenty-six of this chapter where the commission of such prior violation caused the serious physical injury or death of another person; [or]

(xi) of a traffic infraction for a subsequent violation of article twenty-six of this chapter and the commission of such violation caused the death of another person and such subsequent violation occurred within eighteen months of a prior violation of any provision of article twenty-six of this chapter where the commission of such prior violation caused the serious physical injury or death of another person[.] ;

(XII) OF A VIOLATION OF SUBDIVISION (B) OF SECTION TWELVE HUNDRED FIFTY-FOUR OF THIS CHAPTER SHALL RESULT IN A LICENSE AND REGISTRATION REVOCATION OF ONE YEAR; OR

(XIII) OF A SECOND VIOLATION OF SUBDIVISION (B) OF SECTION TWELVE HUNDRED FIFTY-FOUR OF THIS CHAPTER SHALL RESULT IN A LICENSE AND REGISTRATION REVOCATION OF TWO YEARS.

S 3. This act shall take effect on the one hundred sixtieth day after it shall have become a law.