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1121

2015-2016 Regular Sessions

I N   S E N A T E

January 8, 2015
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Introduced by Sen. SQUADRON -- 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 authorizing
    police officers to arrest a driver of a motor vehicle in certain
    circumstances

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

 1   Section 1. Subdivisions (a), (b) and (c) of section 1146 of the vehi-
 2 cle and traffic law, as amended by chapter 333 of the laws of 2010, are
 3 amended to read as follows:
 4   (a) Notwithstanding the provisions of any other law to the contrary,
 5 every driver of a vehicle shall exercise due care to avoid colliding
 6 with any bicyclist, pedestrian, INCLUDING ANY HIGHWAY WORKER, or domes-
 7 tic animal upon any roadway and shall give warning by sounding the horn
 8 when necessary. For the purposes of this section, the term "HIGHWAY
 9 WORKER" SHALL MEAN ANY PERSON ENGAGED IN WORK ON A HIGHWAY WHO IS WORK-
 10 ING ON BEHALF OF THE UNITED STATES, THIS STATE, OR ANY COUNTY, CITY,
 11 TOWN, DISTRICT OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE; AND THE
 12 TERM "domestic animal" shall mean domesticated sheep, cattle, and goats
 13 which are under the supervision and control of a pedestrian.
 14   (b) 1. A driver of a motor vehicle who causes physical injury as
 15 defined in article ten of the penal law to a pedestrian, INCLUDING ANY
 16 HIGHWAY WORKER or bicyclist while failing to exercise due care in
 17 violation of subdivision (a) of this section, shall be guilty of a traf-
 18 fic infraction punishable by a fine of not more than five hundred
 19 dollars or by imprisonment for not more than fifteen days or by both
 20 such fine and imprisonment.
 21   2. If such driver of a motor vehicle causes physical injury while
 22 failing to exercise due care in violation of subdivision (a) of this
 23 section, then there shall be a rebuttable presumption that, as a result

    EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                    [ ] is old law to be omitted.
                                                            LBD01252-01-5

1 of such failure to exercise due care, such person operated the motor
2 vehicle in a manner that caused such physical injury.
3   (c) 1. A driver of a motor vehicle who causes serious physical injury
4 as defined in article ten of the penal law to a pedestrian, INCLUDING
5 ANY HIGHWAY WORKER or bicyclist while failing to exercise due care in
6 violation of subdivision (a) of this section, shall be guilty of a traf-
7 fic infraction punishable by a fine of not more than seven hundred fifty
8 dollars or by imprisonment for not more than fifteen days or by required
9 participation in a motor vehicle accident prevention course pursuant to
10 paragraph (e-1) of subdivision two of section 65.10 of the penal law or
11 by any combination of such fine, imprisonment or course, and by suspen-
12 sion of a license or registration pursuant to subparagraph (xiv) or (xv)
13 of paragraph b of subdivision two of section five hundred ten of this
14 chapter.
15   2. If such driver of a motor vehicle causes serious physical injury
16 while failing to exercise due care in violation of subdivision (a) of
17 this section, then there shall be a rebuttable presumption that, as a
18 result of such failure to exercise due care, such person operated the
19 motor vehicle in a manner that caused such serious physical injury.
20   S 2. Section 1146 of the vehicle and traffic law is amended by adding
21 a new subdivision (f) to read as follows:
22   (F) NOTWITHSTANDING THE PROVISIONS OF SECTION 140.10 OF THE CRIMINAL
23 PROCEDURE LAW, A POLICE OFFICER MAY, WITHOUT A WARRANT, ARREST A PERSON,
24 IN CASE OF A VIOLATION OF SUBDIVISION (B) OR (C) OF THIS SECTION, IF
25 SUCH VIOLATION IS COUPLED WITH AN ACCIDENT OR COLLISION IN WHICH SUCH
26 PERSON IS INVOLVED, WHICH IN FACT HAS BEEN COMMITTED, THOUGH NOT IN THE
27 POLICE OFFICER'S PRESENCE, WHEN THE OFFICER HAS REASONABLE CAUSE TO
28 BELIEVE THAT THE VIOLATION WAS COMMITTED BY SUCH PERSON.
29   S 3. This act shall take effect on the ninetieth day after it shall
30 have become a law.