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

3858

2015-2016 Regular Sessions

I N S E N A T E

February 20, 2015

Introduced by Sens. ESPAILLAT, AVELLA, DILAN, PERKINS -- 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 PUNISHABLE 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 (xii) and (xiii) of paragraph a of subdivision 2 of section 510 of the vehicle and traffic law, as added by section 1 of

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

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part B of chapter 55 of the laws of 2014, are amended and two new subparagraphs (xiv) and (xv) are added to read as follows:

(xii) of a second or subsequent conviction of a violation of section twelve hundred twenty-five-c or section twelve hundred twenty-five-d of this chapter committed where such person is the holder of a probationary license, as defined in subdivision four of section five hundred one of this title, at the time of the commission of such violation and such second or subsequent violation was committed within six months following the restoration or issuance of such probationary license; [or]

(xiii) of a second or subsequent conviction of a violation of section twelve hundred twenty-five-c or section twelve hundred twenty-five-d of this chapter committed where such person is the holder of a class DJ or MJ learner's permit or a class DJ or MJ license at the time of the commission of such violation and such second or subsequent violation was committed within six months following the restoration of such permit or license[.];

(XIV) 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

(XV) 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.