

# STATE OF NEW YORK

3840

2017-2018 Regular Sessions

## IN ASSEMBLY

January 30, 2017

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Codes

AN ACT to amend the vehicle and traffic law, in relation to reckless driving; and to amend the penal law, in relation to criminal negligence involving the use of a motor vehicle

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1212 of the vehicle and traffic law, as added by  
2 chapter 47 of the laws of 1988, is amended to read as follows:

3 § 1212. Reckless driving. Reckless driving shall mean driving or using  
4 any motor vehicle, motorcycle or any other vehicle propelled by any  
5 power other than muscular power or any appliance or accessory thereof in  
6 a manner which (1) unreasonably interferes with the free and proper use  
7 of the public highway, or (2) unreasonably endangers users of the public  
8 highway, or (3) is reckless within the meaning of section 15.05 of the  
9 penal law. [Reckless] All such driving is prohibited. Every person  
10 violating this provision shall be guilty of a misdemeanor.

11 § 2. The penal law is amended by adding a new section 15.07 to read as  
12 follows:

13 § 15.07 Culpability; criminal negligence involving the use of a motor  
14 vehicle.

15 Notwithstanding section 15.05 of this article, a person may be found  
16 to have acted with criminal negligence involving the use of a motor  
17 vehicle with respect to a homicide, as defined under section 125.10 of  
18 this chapter, or an assault, as defined under section 120.00 of this  
19 chapter, if it is established that he or she was recklessly driving, as  
20 defined under section one thousand two hundred twelve of the vehicle and  
21 traffic law.

22 § 3. This act shall take effect immediately.

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

LBD05468-01-7