

STATE OF NEW YORK

4594

2017-2018 Regular Sessions

IN ASSEMBLY

February 3, 2017

Introduced by M. of A. LENTOL, MURRAY -- read once and referred to the
Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to determining
when a person is guilty of aggravated reckless driving in the first or
second degree

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

1 Section 1. The vehicle and traffic law is amended by adding two new
2 sections 1212-a and 1212-b to read as follows:

3 § 1212-a. Aggravated reckless driving in the second degree. A person
4 is guilty of aggravated reckless driving in the second degree when he or
5 she causes the serious physical injury of another person by operation of
6 a motor vehicle when such serious physical injury was caused by such
7 person:

8 (a) committing a major traffic violation; and (i) such person has
9 previously been convicted of two or more major traffic violations on at
10 least two separate occasions within the immediately preceding five
11 years; or

12 (ii) such person has acquired at least fifteen points on his or her
13 driving record within the immediately preceding ten years.

14 (b) at the time such person is operating such motor vehicle, (i) his
15 or her license is revoked pursuant to subparagraph (i) of paragraph a of
16 subdivision two of section five hundred ten of this chapter and such
17 person knows or has reason to know that his or her license has been so
18 revoked; or

19 (ii) he or she is violating section five hundred eleven of this chap-
20 ter and the suspension or revocation was issued pursuant to a conviction
21 for an offense based on the operation of a motor vehicle or pursuant to
22 section eleven hundred ninety-three of this chapter or relating to the
23 operation of a motor vehicle due to an underlying offense that would

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

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1 result in points on the driver's record pursuant to 15 NYCRR 131.3 and
2 related regulations.

3 (c) For purposes of this section, the term "major traffic violation"
4 shall mean the operation of a motor vehicle in violation of any one of
5 the following provisions of this chapter: subdivision two of section six
6 hundred, section eleven hundred eleven, section eleven hundred seventy,
7 subdivision (a) of section eleven hundred seventy-two, section eleven
8 hundred seventy-four, subdivisions (a), (b), (c), (d) and (f) of section
9 eleven hundred eighty provided that the violation involved twenty or
10 more miles per hour over the established limit, section eleven hundred
11 eighty-two, and section twelve hundred twelve. The term "major traffic
12 violation" shall also include a violation of subdivision two, three or
13 four of section eleven hundred ninety-two of this chapter, as well as
14 any violation of the penal law that includes a violation of section
15 eleven hundred ninety-two of this chapter as one of its elements.

16 Aggravated reckless driving in the second degree is a class E felony.

17 § 1212-b. Aggravated reckless driving in the first degree. A person is
18 guilty of aggravated reckless driving in the first degree when he or she
19 causes the death of another person by operation of a motor vehicle when
20 such death was caused by such person:

21 (a) committing a major traffic violation; and (i) such person has
22 previously been convicted of two or more major traffic violations on at
23 least two separate occasions within the immediately preceding five
24 years; or

25 (ii) such person has acquired at least fifteen points on his or her
26 driving record within the immediately preceding ten years.

27 (b) at the time such person is operating such motor vehicle, (i) his
28 or her license is revoked pursuant to subparagraph (i) of paragraph a of
29 subdivision two of section five hundred ten of this chapter and such
30 person knows or has reason to know that his or her license has been so
31 revoked; or

32 (ii) he or she is violating section five hundred eleven of this chap-
33 ter and the suspension or revocation was issued pursuant to a conviction
34 for an offense based on the operation of a motor vehicle or pursuant to
35 section eleven hundred ninety-three of this chapter or relating to the
36 operation of a motor vehicle due to an underlying offense that would
37 result in points on the driver's record pursuant to 15 NYCRR 131.3 and
38 related regulations.

39 (c) For purposes of this section, the term "major traffic violation"
40 shall mean the operation of a motor vehicle in violation of any one of
41 the following provisions of this chapter: subdivision two of section six
42 hundred, section eleven hundred eleven, section eleven hundred seventy,
43 subdivision (a) of section eleven hundred seventy-two, section eleven
44 hundred seventy-four, subdivisions (a), (b), (c), (d) and (f) of section
45 eleven hundred eighty provided that the violation involved twenty or
46 more miles per hour over the established limit, section eleven hundred
47 eighty-two, and section twelve hundred twelve of this chapter. The term
48 "major traffic violation" shall also include a violation of subdivision
49 two, three or four of section eleven hundred ninety-two of this chapter,
50 as well as any violation of the penal law that includes a violation of
51 section eleven hundred ninety-two of this chapter as one of its
52 elements.

53 Aggravated reckless driving in the first degree is a class D felony.

54 § 2. Paragraph (a) of subdivision 3 of section 511 of the vehicle and
55 traffic law is amended by adding a new subparagraph (v) to read as
56 follows:

1 (v) when such person operates a motor vehicle upon a public highway
2 after such person's application for relicensing has been denied pursuant
3 to 15 NYCRR 136.5(b)(1) or (2) or when such operation occurs within the
4 period of reapplication delay imposed by the commissioner pursuant to 15
5 NYCRR 136.5(b)(3) or (4).

6 § 3. This act shall take effect on the ninetieth day after it shall
7 have become a law.