STATE OF NEW YORK

1023

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sens. FUNKE, AKSHAR, AVELLA, LARKIN, ORTT, YOUNG -- 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 and the penal law, in relation to increasing fines and penalties for passing a stopped school bus

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

Section 1. Subdivision (c) of section 1174 of the vehicle and traffic law, as amended by chapter 254 of the laws of 2002, is amended to read as follows:

(c) Every person convicted of a violation of subdivision (a) of this section shall **be subject to the following fines and penalties**:

(i) for a first conviction thereof, be punished by a fine of not less than [~~two hundred fifty~~] **four hundred** dollars nor more than [~~four hundred~~] **seven hundred fifty** dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment;

(ii) for a conviction of a second violation, both of which were committed within a period of three years, such person shall be punished by a fine of not less than [~~six hundred dollars~~] **nine hundred fifty dollars** nor more than [~~seven hundred fifty~~] **one thousand one hundred fifty** dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment;

(iii) upon a conviction of a third or subsequent violation, all of which were committed within a period of three years, such person shall be punished by a fine of not less than [~~seven hundred fifty~~] **one thousand one hundred fifty** dollars nor more than [~~one thousand~~] **one thousand five hundred** dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment.

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

LBD04164-01-7

§ 2. Subdivision 6 of section 120.04-a of the penal law, as added by chapter 496 of the laws of 2009, is amended and a new subdivision 7 is added to read as follows:

(6) commits such crime while operating a motor vehicle while a child who is fifteen years of age or less is a passenger in such motor vehicle and causes serious physical injury to such child[~~.~~]**; or**

(7) violates any provision of subdivision (a) of section eleven hundred seventy-four of the vehicle and traffic law and in the commission of such offense causes injury to a person.

§ 3. Section 125.10 of the penal law is amended to read as follows:

§ 125.10 Criminally negligent homicide.

A person is guilty of criminally negligent homicide when[~~, with~~]**:**

1. With criminal negligence, he **or she** causes the death of another person[~~.~~]**; or**

2. He or she causes the death of another person or persons while operating a motor vehicle in violation of subdivision (a) of section eleven hundred seventy-four of the vehicle and traffic law.

Criminally negligent homicide is a class E felony.

§ 4. This act shall take effect immediately.