STATE OF NEW YORK

8704

IN SENATE

May 10, 2018

Introduced by Sen. KENNEDY -- 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 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 Assembly, do enact as follows:

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

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

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

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

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

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

(c) For purposes of this section, the term "major traffic violation" shall mean the operation of a motor vehicle in violation of any one of

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

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the following provisions of this chapter: subdivision two of section six hundred, section eleven hundred eleven, section eleven hundred seventy, subdivision (a) of section eleven hundred seventy-two, section eleven hundred seventy-four, subdivisions (a), (b), (c), (d) and (f) of section eleven hundred eighty provided that the violation involved twenty or more miles per hour over the established limit, section eleven hundred eighty-two, and section twelve hundred twelve. The term "major traffic violation" shall also include a violation of subdivision two, three or four of section eleven hundred ninety-two of this chapter, as well as any violation of the penal law that includes a violation of section eleven hundred ninety-two of this chapter as one of its elements.

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

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

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

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

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

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

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

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

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

(v) when such person operates a motor vehicle upon a public highway after such person's application for relicensing has been denied pursuant to 15 NYCRR 136.5(b)(1) or (2) or when such operation occurs within the

period of reapplication delay imposed by the commissioner pursuant to 15 NYCRR 136.5(b)(3) or (4).

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