

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:

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

26 (c) For purposes of this section, the term "major traffic violation"
27 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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1 the following provisions of this chapter: subdivision two of section six
2 hundred, section eleven hundred eleven, section eleven hundred seventy,
3 subdivision (a) of section eleven hundred seventy-two, section eleven
4 hundred seventy-four, subdivisions (a), (b), (c), (d) and (f) of section
5 eleven hundred eighty provided that the violation involved twenty or
6 more miles per hour over the established limit, section eleven hundred
7 eighty-two, and section twelve hundred twelve. The term "major traffic
8 violation" shall also include a violation of subdivision two, three or
9 four of section eleven hundred ninety-two of this chapter, as well as
10 any violation of the penal law that includes a violation of section
11 eleven hundred ninety-two of this chapter as one of its elements.

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

13 § 1212-b. Aggravated reckless driving in the first degree. A person is
14 guilty of aggravated reckless driving in the first degree when he or she
15 causes the death of another person by operation of a motor vehicle when
16 such death was caused by such person:

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

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

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

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

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

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

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

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

1 period of reapplication delay imposed by the commissioner pursuant to 15
2 NYCRR 136.5(b)(3) or (4).
3 § 3. This act shall take effect on the ninetieth day after it shall
4 have become a law.