

# STATE OF NEW YORK

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6884

2017-2018 Regular Sessions

## IN SENATE

September 22, 2017

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Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to leaving the scene of an incident without reporting; and making an appropriation therefor

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

1 Section 1. This act shall be known and may be cited as the "hit-and-run prevention act".

2 § 2. Paragraph c of subdivision 2 of section 600 of the vehicle and  
3 traffic law, as amended by section 4 of part AAA of chapter 59 of the  
4 laws of 2017, is amended to read as follows:

5 c. A violation of the provisions of paragraph a of this subdivision  
6 resulting solely from the failure of an operator to exhibit his or her  
7 license and insurance identification card for the vehicle or exchange  
8 the information required in such paragraph shall constitute a class B  
9 misdemeanor punishable by a fine of not less than two hundred fifty nor  
10 more than five hundred dollars in addition to any other penalties  
11 provided by law. Any subsequent such violation shall constitute a class  
12 A misdemeanor punishable by a fine of not less than five hundred nor  
13 more than one thousand dollars in addition to any other penalties  
14 provided by law. Any violation of the provisions of paragraph a of this  
15 subdivision, other than for the mere failure of an operator to exhibit  
16 his or her license and insurance identification card for such vehicle or  
17 exchange the information required in such paragraph, shall constitute a  
18 class A misdemeanor, punishable by a fine of not less than five hundred  
19 dollars nor more than one thousand dollars in addition to any other  
20 penalties provided by law. Any such violation committed by a person  
21 after such person has previously been convicted of such a violation  
22 shall constitute a class E felony, punishable by a fine of not less than  
23 one thousand nor more than two thousand five hundred dollars in addition  
24 to any other penalties provided by law. Any violation of the provisions  
25 of paragraph a of this subdivision, other than for the mere failure of  
26 an operator to exhibit his or her license and insurance identification  
27

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

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1 card for such vehicle or exchange the information required in such para-  
2 graph, where the personal injury involved (i) results in serious phys-  
3 ical injury, as defined in section 10.00 of the penal law, shall consti-  
4 tute a class ~~[B]~~ ~~D~~ felony, punishable by a fine of not less than one  
5 thousand nor more than five thousand dollars in addition to any other  
6 penalties provided by law, or (ii) results in death shall constitute a  
7 class ~~[D]~~ ~~C~~ felony punishable by a fine of not less than two thousand  
8 nor more than five thousand dollars in addition to any other penalties  
9 provided by law.

10 § 3. The division of criminal justice services shall establish a  
11 public information campaign to instruct the public that leaving the  
12 scene of a collision can result in serious penalties and the penalties  
13 will be significantly increased if a motorist leaves the scene of a  
14 collision that results in serious injury or death. The campaign shall  
15 stress that an intoxicated or impaired motorist that leaves the scene  
16 will not avoid the severity of charges of driving while intoxicated  
17 (DWI) or driving while ability impaired (DWAI). This act makes the  
18 penalties for leaving the scene of a collision that results in serious  
19 injury or death the same whether the individual is intoxicated or sober.  
20 By staying at the scene of a collision and calling 911, the victim has a  
21 greater chance at survival and recovery.

22 § 4. The division of criminal justice services shall establish and  
23 administer a state wide hit-and-run alert system. When a hit-and-run  
24 results in serious physical injury or death within the state, the  
25 responding law enforcement agency shall request a hit-and-run alert from  
26 the division of criminal justice services. This request shall include at  
27 least detailed information on the make, model, color and license plate  
28 number of the vehicle and a driver description, when available. The  
29 division of criminal justice services shall formulate criteria to deter-  
30 mine whether a law enforcement agency's request includes sufficient data  
31 to justify an alert. If the criteria are met, the division of criminal  
32 justice services shall approve and administer the alert. A hit-and-run  
33 alert shall include information on the suspect vehicle and be distrib-  
34 uted electronically by email notification, text message, and/or tele-  
35 phone to every police agency, television and radio station, newspaper,  
36 travel plaza, toll barrier, airport, bus terminal, train station, and  
37 border crossing. The division of criminal justice services can determine  
38 which distribution channels are used to ensure that alerts are effi-  
39 ciently reaching the broadest audience. The alert will continue for a  
40 particular amount of time determined by the division of criminal justice  
41 services.

42 § 5. The sum of one million dollars (\$1,000,000), or so much thereof  
43 as may be necessary, is hereby appropriated to the public information  
44 campaign to instruct the public on leaving the scene of a collision as  
45 established pursuant to section three of this act from any moneys in the  
46 state treasury not otherwise appropriated and made immediately available  
47 to the division of criminal justice services for the purposes of carry-  
48 ing out the provisions of section three of this act. Such moneys shall  
49 be payable on the audit and warrant of the comptroller on vouchers  
50 certified or approved by the commissioner of criminal justice services  
51 in the manner prescribed by law.

52 § 6. This act shall take effect on the one hundred twentieth day after  
53 it shall have become a law, provided, however, that the commissioner of  
54 the division of criminal justice services shall promulgate rules and  
55 regulations prior to such effective date necessary to implement the  
56 provisions of this act.