STATE OF NEW YORK

1236

2019-2020 Regular Sessions

IN SENATE

January 11, 2019

Introduced by Sens. GALLIVAN, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

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

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

c. A violation of the provisions of paragraph a of this subdivision resulting solely from the failure of an operator to exhibit his or her license and insurance identification card for the vehicle or exchange the information required in such paragraph shall constitute a class B misdemeanor punishable by a fine of not less than two hundred fifty nor more than five hundred dollars in addition to any other penalties provided by law. Any subsequent such violation shall constitute a class A misdemeanor punishable by a fine of not less than five hundred nor more than one thousand dollars in addition to any other penalties provided by law. Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, shall constitute a class A misdemeanor, punishable by a fine of not less than five hundred dollars nor more than one thousand dollars in addition to any other penalties provided by law. Any such violation committed by a person after such person has previously been convicted of such a violation shall constitute a class E felony, punishable by a fine of not less than one thousand nor more than two thousand five hundred dollars in addition to any other penalties provided by law. Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification

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

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card for such vehicle or exchange the information required in such paragraph, where the personal injury involved (i) results in serious physical injury, as defined in section 10.00 of the penal law, shall constitute a class [~~E~~] D felony, punishable by a fine of not less than one thousand nor more than five thousand dollars in addition to any other penalties provided by law, or (ii) results in death shall constitute a class [~~D~~] C felony punishable by a fine of not less than two thousand nor more than five thousand dollars in addition to any other penalties provided by law.

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

§ 4. The division of criminal justice services shall establish and administer a state wide hit-and-run alert system. When a hit-and-run results in serious physical injury or death within the state, the responding law enforcement agency shall request a hit-and-run alert from the division of criminal justice services. This request shall include at least detailed information on the make, model, color and license plate number of the vehicle and a driver description, when available. The division of criminal justice services shall formulate criteria to determine whether a law enforcement agency's request includes sufficient data to justify an alert. If the criteria are met, the division of criminal justice services shall approve and administer the alert. A hit-and-run alert shall include information on the suspect vehicle and be distributed electronically by email notification, text message, and/or telephone to every police agency, television and radio station, newspaper, travel plaza, toll barrier, airport, bus terminal, train station, and border crossing. The division of criminal justice services can determine which distribution channels are used to ensure that alerts are efficiently reaching the broadest audience. The alert will continue for a particular amount of time determined by the division of criminal justice services.

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

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