

# STATE OF NEW YORK

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8881

2019-2020 Regular Sessions

## IN ASSEMBLY

December 18, 2019

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Introduced by M. of A. QUART -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, the insurance law, the penal law, the uniform district court act, and the administrative code of the city of New York, in relation to replacing the term reckless driving with aggressive driving

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

1 Section 1. Section 1212 of the vehicle and traffic law, as added by  
2 chapter 47 of the laws of 1988, is amended to read as follows:

3 § 1212. [~~Reckless~~] Aggressive driving. [~~Reckless~~] Aggressive driving  
4 shall mean driving or using any motor vehicle, motorcycle or any other  
5 vehicle propelled by any power other than muscular power or any appli-  
6 ance or accessory thereof in a manner which unreasonably interferes with  
7 the free and proper use of the public highway, or unreasonably endangers  
8 users of the public highway. [~~Reckless~~] Aggressive driving is prohibit-  
9 ed. Every person violating this provision shall be guilty of a misdemea-  
10 nor.

11 § 2. Section 509-e of the vehicle and traffic law, as amended by chap-  
12 ter 853 of the laws of 1975, is amended to read as follows:

13 § 509-e. Annual review of driving record. Each motor carrier shall, at  
14 least once every twelve months, review the driving record of each bus  
15 driver it employs to determine whether that driver meets minimum  
16 requirements for safe driving and is qualified to drive a bus pursuant  
17 to section five hundred nine-b of this article. In reviewing a driving  
18 record, the motor carrier must consider any evidence that the bus driver  
19 has violated applicable provisions of the vehicle and traffic law. The  
20 motor carrier must also consider the driver's accident record and any  
21 evidence that the driver has violated laws governing the operation of  
22 motor vehicles, such as speeding, [~~reckless~~] aggressive driving, and  
23 operating while under the influence of alcohol or drugs, that indicate

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

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1 that the driver has exhibited a disregard for the safety of the public.  
2 Such information shall be recorded in the employer's record.

3 § 3. Subparagraph (ii) of paragraph (a) of subdivision 4 of section  
4 510-a of the vehicle and traffic law, as amended by section 1 of part C  
5 of chapter 58 of the laws of 2013, is amended to read as follows:

6 (ii) is defined as reckless or aggressive driving by state or local  
7 law or regulation;

8 § 4. Paragraph 10 of subdivision (c) of section 516-b of the vehicle  
9 and traffic law, as added by chapter 731 of the laws of 1986 and as  
10 renumbered by chapter 298 of the laws of 1991, is amended to read as  
11 follows:

12 (10) Reckless or aggressive driving; and

13 § 5. Subdivision 2 of section 530 of the vehicle and traffic law, as  
14 separately amended by chapters 571 and 732 of the laws of 2006, is  
15 amended to read as follows:

16 (2) Such license or privilege shall not be issued to a person who,  
17 within the four year period immediately preceding the date of applica-  
18 tion, has been convicted within or without the state of homicide or  
19 assault arising out of the operation of a motor vehicle, of criminally  
20 negligent homicide or criminal negligence in the operation of a motor  
21 vehicle resulting in death, or has been convicted within the state of a  
22 violation of subdivision two of section six hundred of this chapter or  
23 of [~~reckless~~] aggressive driving. Such license or privilege shall not be  
24 issued to a person whose license or privilege, at the time of applica-  
25 tion, is revoked pursuant to the provisions of subparagraph (x) or (xi)  
26 of paragraph a of subdivision two of section five hundred ten of this  
27 chapter. Such license or privilege shall not be issued to a person whose  
28 license or privilege is suspended or revoked because of a conviction of  
29 a violation of subdivision one, two, two-a, three, four or four-a of  
30 section eleven hundred ninety-two of this chapter or a similar offense  
31 in another jurisdiction, or whose license or privilege is revoked by the  
32 commissioner for refusal to submit to a chemical test pursuant to subdi-  
33 vision two of section eleven hundred ninety-four of this chapter. Such  
34 license or privilege shall not be issued to a person who within the five  
35 year period immediately preceding the date of application for such  
36 license or privilege has been convicted of a violation of subdivision  
37 one, two, two-a, three, four or four-a of section eleven hundred nine-  
38 ty-two of this chapter or a similar alcohol-related offense in another  
39 jurisdiction, or whose license or privilege has been revoked by the  
40 commissioner for refusal to submit to a chemical test pursuant to subdi-  
41 vision two of section eleven hundred ninety-four of this chapter, except  
42 that such a license or privilege may be issued to such a person if,  
43 after such conviction or revocation, such person successfully completed  
44 an alcohol and drug rehabilitation program established pursuant to arti-  
45 cle thirty-one of this chapter in conjunction with such conviction or  
46 revocation. Provided, however, that nothing herein shall be construed as  
47 prohibiting an operator from being issued a limited or conditional  
48 license or privilege pursuant to any alcohol rehabilitation program  
49 established pursuant to this chapter.

50 § 6. Item (B) of subparagraph (i) of paragraph (d) of subdivision 1 of  
51 section 1696 of the vehicle and traffic law, as added by section 2 of  
52 part AAA of chapter 59 of the laws of 2017, is amended to read as  
53 follows:

54 (B) [~~reckless~~] aggressive driving in violation of section one thousand  
55 two hundred twelve of this chapter;

§ 7. Subparagraph (i) of paragraph (b) of subdivision 2 of section 1699 of the vehicle and traffic law, as amended by chapter 60 of the laws of 2017, is amended to read as follows:

(i) stands convicted in the last three years of: unlawful fleeing a police officer in a motor vehicle in violation of sections 270.35, 270.30 or 270.25 of the penal law, ~~reckless~~ aggressive driving in violation of section twelve hundred twelve of this chapter, operating while license or privilege is suspended or revoked in violation of section five hundred eleven of this chapter, excluding subdivision seven of such section, a misdemeanor offense of operating a motor vehicle while under the influence of alcohol or drugs in violation of section eleven hundred ninety-two of this chapter, or leaving the scene of an accident in violation of subdivision two of section six hundred of this chapter. In calculating the three year period under this subparagraph, any period of time during which the person was incarcerated after the commission of such offense shall be excluded and such three year period shall be extended by a period or periods equal to the time spent incarcerated;

§ 8. Section 1810 of the vehicle and traffic law, as added by chapter 47 of the laws of 1988, is amended to read as follows:

§ 1810. Compensation of officers shall not depend upon apprehension or arrests. (a) No city or village shall employ any officer, agent or person whose compensation shall in any way depend upon the apprehension or arrest of any person or persons for violating any ordinance adopted pursuant to section sixteen hundred four of this chapter or for ~~reckless~~ aggressive driving as defined in section twelve hundred twelve of this chapter. If any person be apprehended or arrested or haled before a magistrate for a violation of a local ordinance adopted pursuant to section sixteen hundred four or for ~~reckless~~ aggressive driving as defined by section twelve hundred twelve of this chapter by any officer, agent or employee of any city or village who is so employed, the fact of such employment at the time shall be a defense to any charge made for violation of such ordinance or for ~~reckless~~ aggressive driving.

(b) No county or town shall employ any officer, agent or person, whether such employee be elected or appointed, whose compensation shall in any way depend upon the apprehension or arrest of any person for ~~reckless~~ aggressive driving as defined in section twelve hundred twelve of this chapter. If any person be apprehended or arrested or haled before a magistrate for ~~reckless~~ aggressive driving as so defined, by any officer, agent or employee of any county or town who is so employed, the fact of such employment at the time shall be a defense to any charge made for ~~reckless~~ aggressive driving as defined in section twelve hundred twelve of this chapter.

§ 9. Paragraph 3 of subsection (b) of section 2335 of the insurance law, as amended by chapter 277 of the laws of 2010, is amended to read as follows:

(3) operating a motor vehicle in excess of the speed limit, or ~~reckless~~ aggressive driving, or any combination thereof, on three or more occasions;

§ 10. Item (v) of subparagraph (A) of paragraph 3 of subsection (m) of section 3425 of the insurance law is amended to read as follows:

(v) operating a motor vehicle in excess of the speed limit, or ~~reckless~~ aggressive driving, or any combination thereof, on three or more occasions; or

§ 11. The opening paragraph of section 120.04-a of the penal law, as amended by chapter 496 of the laws of 2009, is amended to read as follows:

A person is guilty of aggravated vehicular assault when he or she engages in [~~reckless~~] **aggressive** driving as defined by section twelve hundred twelve of the vehicle and traffic law, and commits the crime of vehicular assault in the second degree as defined in section 120.03 of this article, and either:

§ 12. The opening paragraph of section 125.14 of the penal law, as amended by chapter 496 of the laws of 2009, is amended to read as follows:

A person is guilty of aggravated vehicular homicide when he or she engages in [~~reckless~~] **aggressive** driving as defined by section twelve hundred twelve of the vehicle and traffic law, and commits the crime of vehicular manslaughter in the second degree as defined in section 125.12 of this article, and either:

§ 13. Section 270.25 of the penal law, as added by chapter 738 of the laws of 2006, is amended to read as follows:

§ 270.25 Unlawful fleeing a police officer in a motor vehicle in the third degree.

A person is guilty of unlawful fleeing a police officer in a motor vehicle in the third degree when, knowing that he or she has been directed to stop his or her motor vehicle by a uniformed police officer or a marked police vehicle by the activation of either the lights or the lights and siren of such vehicle, he or she thereafter attempts to flee such officer or such vehicle by driving at speeds which equal or exceed twenty-five miles per hour above the speed limit or engaging in [~~reckless~~] **aggressive** driving as defined by section twelve hundred twelve of the vehicle and traffic law.

Unlawful fleeing a police officer in a motor vehicle in the third degree is a class A misdemeanor.

§ 14. Subdivision 1 of section 2408 of the uniform district court act, as added by chapter 276 of the laws of 1952, is amended to read as follows:

1. The board of judges shall have power to provide, by resolution, a procedure to govern the payment of fines by any person accused of violating any provision of any law, ordinance, rule or regulation relating to vehicular or pedestrian traffic, without appearing in person, except in cases of speeding, [~~reckless~~] **aggressive** driving, leaving scene of an accident or any charge of a misdemeanor or felony or any charge which may for reasons of public policy require the personal appearance of the accused, for such period of time as shall be deemed in the public interest; to fix the fine to be paid in each class of case within the minimum and maximum amount set by law, ordinance, rule or regulation; to designate the place or places where such fines may be paid; to prescribe the form of the summonses to be used and the manner in which the plea of guilty shall be made; and the manner in which the money shall be paid.

§ 15. Subdivision 1 of section 2411 of the uniform district court act, as amended by chapter 570 of the laws of 1963, is amended to read as follows:

1. The board of judges shall have power to provide, by resolution, a procedure to govern the payment of fines by any person accused of violating any provision of any law, ordinance, rule or regulation relating to vehicular or pedestrian traffic, without appearing in person, except in cases of speeding, [~~reckless~~] **aggressive** driving, leaving

1 scene of an accident or any charge of a misdemeanor or felony or any  
2 charge which may for reasons of public policy require the personal  
3 appearance of the accused, for such period of time as shall be deemed in  
4 the public interest; to fix the fine to be paid in each class of case  
5 within the minimum and maximum amount set by law, ordinance, rule or  
6 regulation; to designate the place or places where such fines may be  
7 paid; to prescribe the form of the summonses to be used and the manner  
8 in which the plea of guilty shall be made; and the manner in which the  
9 money shall be paid.

10 § 16. Subdivision 1 of section 19-506 of the administrative code of  
11 the city of New York, as added by chapter 9 of the laws of 2012, is  
12 amended to read as follows:

13 1. A person is guilty of unlawful fleeing a New York city taxi and  
14 limousine enforcement officer or police officer when, knowing that he or  
15 she has been directed to remain stopped by a New York city taxi and  
16 limousine enforcement officer or police officer, the driver of a vehicle  
17 operating pursuant to a HAIL license who is stopped in a zone where he  
18 or she is not permitted to pick up street hails thereafter attempts to  
19 flee such officer by setting the vehicle in motion and either travels  
20 over three hundred feet without stopping or engages in conduct consti-  
21 tuting [~~reckless~~] aggressive driving as defined in section twelve  
22 hundred twelve of the vehicle and traffic law. Unlawful fleeing a New  
23 York city taxi and limousine enforcement officer or police officer is a  
24 misdemeanor punishable by a fine of not less than seven hundred fifty  
25 dollars nor more than one thousand dollars, or by imprisonment of not  
26 more than ninety days or by both such fine and imprisonment. Notwith-  
27 standing any contrary provision of law, any charge alleging a violation  
28 of this subdivision shall be returnable before a court having jurisdic-  
29 tion over misdemeanors.

30 § 17. This act shall take effect immediately provided, however, that  
31 the amendments to section 2335 of the insurance law made by section nine  
32 of this act shall not affect the expiration of such section and shall be  
33 deemed to expire therewith.