

# STATE OF NEW YORK

6497

2023-2024 Regular Sessions

## IN SENATE

April 24, 2023

Introduced by Sens. KENNEDY, HOYLMAN-SIGAL -- 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 and the penal law, in relation to enacting the "vehicular violence accountability act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "vehicular violence accountability act".

3 § 2. Subparagraph (i) of paragraph (a) and paragraphs (b) and (d) of  
4 subdivision 4 of section 502 of the vehicle and traffic law, as amended  
5 by chapter 379 of the laws of 2022, are amended and a new paragraph  
6 (c-6) is added to read as follows:

7 (i) Upon submission of an application for a driver's license, the  
8 applicant shall be required to take and pass a test, or submit evidence  
9 of passage of a test, with respect to the laws relating to traffic, the  
10 laws relating to driving while ability is impaired and while intoxicat-  
11 ed, under the overpowering influence of "Road Rage", "Work Zone Safety"  
12 awareness, "Motorcycle Safety" awareness and "Pedestrian and Bicyclist  
13 Safety" awareness as defined by the commissioner, "School Bus Safety"  
14 awareness, the laws relating to vehicular violence, the law relating to  
15 exercising due care to avoid colliding with a parked, stopped or stand-  
16 ing authorized emergency vehicle or hazard vehicle pursuant to section  
17 eleven hundred forty-four-a of this chapter, the ability to read and  
18 comprehend traffic signs and symbols and such other matters as the  
19 commissioner may prescribe, and to satisfactorily complete a course  
20 prescribed by the commissioner of not less than four hours and not more  
21 than five hours, consisting of classroom driver training and highway  
22 safety instruction or the equivalent thereof. Such test shall include at  
23 least seven written questions concerning the effects of consumption of  
24 alcohol or drugs on the ability of a person to operate a motor vehicle

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

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1 and the legal and financial consequences resulting from violations of  
2 section eleven hundred ninety-two of this chapter, prohibiting the oper-  
3 ation of a motor vehicle while under the influence of alcohol or drugs.  
4 Such test shall include one or more written questions concerning the  
5 devastating effects of "Road Rage" on the ability of a person to operate  
6 a motor vehicle and the legal and financial consequences resulting from  
7 assaulting, threatening or interfering with the lawful conduct of another  
8 person legally using the roadway. Such test shall include one or more  
9 questions concerning the potential dangers to persons and equipment  
10 resulting from the unsafe operation of a motor vehicle in a work zone.  
11 Such test may include one or more questions concerning motorcycle safe-  
12 ty. Such test may include one or more questions concerning the law for  
13 exercising due care to avoid colliding with a parked, stopped or stand-  
14 ing vehicle pursuant to section eleven hundred forty-four-a of this  
15 chapter. Such test may include one or more questions concerning school  
16 bus safety. Such test may include one or more questions concerning  
17 pedestrian and bicyclist safety. Such test may include one or more ques-  
18 tions concerning vehicular violence. Such test shall be administered by  
19 the commissioner. The commissioner shall cause the applicant to take a  
20 vision test and a test for color blindness. Upon passage of the vision  
21 test, the application may be accepted and the application fee shall be  
22 payable.

23 (b) Upon successful completion of the requirements set forth in para-  
24 graph (a) of this subdivision which shall include an alcohol and drug  
25 education component as described in paragraph (c) of this subdivision, a  
26 "Road Rage" awareness component as described in paragraph (c-1) of this  
27 subdivision, a "Work Zone Safety" awareness component as described in  
28 paragraph (c-2) of this subdivision, a "Motorcycle Safety" awareness  
29 component as described in paragraph (c-3) of this subdivision, a "School  
30 Bus Safety" awareness component as described in paragraph (c-4) of this  
31 subdivision, ~~and~~ a "Pedestrian and Bicyclist Safety" awareness compo-  
32 nent as described in paragraph (c-5) of this subdivision, and a vehicu-  
33 lar violence awareness component as described in paragraph (c-6) of this  
34 subdivision, the commissioner shall cause the applicant to take a road  
35 test in a representative vehicle of a type prescribed by the commission-  
36 er which shall be appropriate to the type of license for which applica-  
37 tion is made, except that the commissioner may waive the road test  
38 requirements for certain classes of applicants. Provided, however, that  
39 the term "representative vehicle" shall not include a three-wheeled  
40 motor vehicle that has two wheels situated in the front and one wheel in  
41 the rear, has a steering mechanism and seating which does not require  
42 the operator to straddle or sit astride, is equipped with safety belts  
43 for all occupants and is manufactured to comply with federal motor vehi-  
44 cle safety standards for motorcycles including, but not limited to, 49  
45 C.F.R. part 571. The commissioner shall have the power to establish a  
46 program to allow persons other than employees of the department to  
47 conduct road tests in representative vehicles when such tests are  
48 required for applicants to obtain a class A, B or C license. If she  
49 chooses to do so, she shall set forth her reasons in writing and conduct  
50 a public hearing on the matter. She shall only establish such a program  
51 after holding the public hearing.

52 (c-6) Vehicular violence awareness component. (i) The commissioner  
53 shall provide in the pre-licensing course, set forth in paragraph (b) of  
54 this subdivision, a mandatory component in vehicular violence awareness  
55 education as a prerequisite for obtaining a license to operate a motor  
56 vehicle. The purpose of the component is to educate prospective licen-

1 sees on the dangers of committing a vehicular crime that causes injury  
2 or death to another individual.

3 (ii) The commissioner shall establish a curriculum for the vehicular  
4 violence awareness component which shall include, but shall not be  
5 limited to, an overview of laws governing conduct committed while oper-  
6 ating a motorized vehicle that causes injury or death to another person,  
7 including but not limited to an explanation of the laws contained in  
8 article one hundred twenty-six of the penal law.

9 (iii) In developing such curriculum, the commissioner shall consult  
10 with the commissioner of transportation.

11 (d) The commissioner shall make available for distribution upon regis-  
12 tration at each location where the pre-licensing course will be given,  
13 instructional handbooks outlining the content of the entire curriculum  
14 of the pre-licensing course including the information required to be  
15 included in the course pursuant to paragraphs (c), (c-1), (c-2), (c-3),  
16 (c-4) [and], (c-5) and (c-6) of this subdivision. The commissioner shall  
17 also provide for the additional training of the instructors necessary  
18 for the competent instruction of the alcohol and drug education, "Road  
19 Rage" awareness, "Work Zone Safety" awareness, "Motorcycle Safety"  
20 awareness, "School Bus Safety" awareness [and], "Pedestrian and Bicy-  
21 clist Safety" awareness and vehicular violence awareness subject matters  
22 of the pre-licensing course.

23 § 3. The penal law is amended by adding a new article 126 to read as  
24 follows:

#### ARTICLE 126

##### VEHICULAR VIOLENCE

27 Section 126.00 Vehicular violence defined.

28 126.05 Serious physical injury by vehicle.

29 126.10 Aggravated serious physical injury by vehicle.

30 126.15 Death by vehicle.

31 126.20 Aggravated death by vehicle.

32 § 126.00 Vehicular violence defined.

33 The following definitions are applicable to this article:

34 1. "Vehicular violence" means conduct committed while operating a  
35 motorized vehicle, other than driving under the influence of alcohol or  
36 drugs, that negligently causes injury or death to another individual.

37 2. "Failure to exercise due care" means ordinary or civil negligence.

38 3. "A specified traffic infraction" means any moving violation reason-  
39 ably related to the safety of pedestrians and bicyclists as well as any  
40 of the following traffic rules or regulations as defined in section  
41 eleven hundred ten (obedience to and required traffic-control devices);  
42 section eleven hundred eleven (traffic-control signal indications);  
43 section eleven hundred thirteen (flashing signal indications); section  
44 eleven hundred twenty (drive on right side of roadway; exceptions);  
45 section eleven hundred forty-two (vehicle entering stop or yield inter-  
46 section); section eleven hundred forty-five (vehicle approaching rotary  
47 traffic circle or island); section eleven hundred forty-six (drivers to  
48 exercise due care) section eleven hundred fifty-one-a (pedestrians'  
49 right of way on sidewalks); section eleven hundred sixty (required posi-  
50 tion and method of turning at intersections); section eleven hundred  
51 sixty-one (U turns in certain areas prohibited); section eleven hundred  
52 sixty-three (turning movements and required signal); section eleven  
53 hundred seventy (obedience to signal indicating approach of train);  
54 section eleven hundred seventy-one (certain vehicles must stop at all  
55 railroad grade crossings); section eleven hundred seventy-two (stop  
56 signs and yield signs); section eleven hundred seventy-three (emerging

1 from alley, driveway, private road or building); section eleven hundred  
2 seventy-four (overtaking and passing school bus); section eleven hundred  
3 eighty (basic rule and maximum limits); section eleven hundred eighty-  
4 two (speed contests and races); section twelve hundred twelve (reckless  
5 driving); section twelve hundred twenty-five (avoiding intersections or  
6 traffic-control device); section twelve hundred twenty-five-a (driving  
7 on sidewalks); section twelve hundred twenty-five-c (use of mobile tele-  
8 phones); section twelve hundred twenty-five-d (use of portable electron-  
9 ic devices) of the vehicle and traffic law; or any state or local stat-  
10 ute reasonably related to the safe operation of a motor vehicle.

11 4. "Motorized vehicle" means any motor vehicle defined in the vehicle  
12 and traffic law; or any motorcycle, ATV, or motor driven cycle or  
13 wheeled device, other than an electrically driven mobility assistance  
14 device.

15 5. "Commissioner" means the commissioner of motor vehicles of this  
16 state.

17 § 126.05 Serious physical injury by vehicle.

18 A person is guilty of serious physical injury by vehicle when such  
19 person fails to exercise due care while operating a motorized vehicle  
20 and commits a specified traffic infraction, as defined in subdivision  
21 three of section 126.00 of this article, and the commission of the spec-  
22 ified traffic infraction is the proximate cause of serious physical  
23 injury to another person.

24 Serious physical injury by vehicle is a class B misdemeanor.

25 § 126.10 Aggravated serious physical injury by vehicle.

26 A person is guilty of aggravated serious physical injury by vehicle  
27 when such person commits the crime of serious physical injury by vehicle  
28 as defined in section 126.05 of this article, and:

29 1. Knows or has reason to know that such person's license or privilege  
30 of operating a motor vehicle in this state, or privilege of obtaining a  
31 license to operate a motor vehicle issued by the commissioner is  
32 suspended, revoked or otherwise withdrawn by the commissioner if: (a)  
33 the suspension, revocation, or withdrawal was based upon a conviction of  
34 a violation of any provision of section eleven hundred ninety-two of the  
35 vehicle and traffic law; or (b) the suspension, revocation, or with-  
36 drawal was based upon a refusal to submit to a chemical test pursuant to  
37 section eleven hundred ninety-four of the vehicle and traffic law; or  
38 (c) the suspension was a mandatory suspension pending prosecution of a  
39 charge of a violation of section eleven hundred ninety-two of the vehi-  
40 cle and traffic law ordered pursuant to paragraph (e) of subdivision two  
41 of section eleven hundred ninety-three of the vehicle and traffic law or  
42 other similar statute;

43 2. Has previously been convicted of violating any provision of section  
44 eleven hundred ninety-two of the vehicle and traffic law within the  
45 preceding ten years. For purposes of this subdivision, a conviction in  
46 any other state or jurisdiction of an offense which, if committed in  
47 this state, would constitute a violation of section eleven hundred nine-  
48 ty-two of the vehicle and traffic law, shall be treated as a violation  
49 of such law;

50 3. Was driving twenty or more miles per hour above the legal speed  
51 limit;

52 4. Was committing more than one specified traffic infraction as  
53 defined in subdivision three of section 126.00 of this article; or

54 5. Thereby caused serious physical injury to more than one person.

55 Aggravated serious physical injury by vehicle is a class A misdemea-  
56 nor.

1 § 126.15 Death by vehicle.

2 A person is guilty of death by vehicle when such person fails to exer-  
3 cise due care while operating a motorized vehicle and commits a speci-  
4 fied traffic infraction as defined in subdivision three of section  
5 126.00 of this article, and the commission of the specified traffic  
6 infraction is the proximate cause of the death of another person.

7 Death by vehicle is a class A misdemeanor.

8 § 126.20 Aggravated death by vehicle.

9 A person is guilty of aggravated death by vehicle when such person  
10 commits the crime of death by vehicle as defined in section 126.15 of  
11 this article, and:

12 1. Knows or has reason to know that such person's license or privilege  
13 of operating a motor vehicle in this state, or privilege of obtaining a  
14 license to operate a motor vehicle issued by the commissioner is  
15 suspended, revoked or otherwise withdrawn by the commissioner if: (a)  
16 the suspension, revocation, or withdrawal was based upon a conviction of  
17 any provision of section eleven hundred ninety-two of the vehicle and  
18 traffic law; or (b) the suspension, revocation, or withdrawal was based  
19 upon a refusal to submit to a chemical test, pursuant to section eleven  
20 hundred ninety-four of the vehicle and traffic law; or (c) the suspen-  
21 sion was a mandatory suspension pending prosecution of a charge of a  
22 violation of section eleven hundred ninety-two of the vehicle and traf-  
23 fic law ordered pursuant to paragraph (e) of subdivision two of section  
24 eleven hundred ninety-three of the vehicle and traffic law or other  
25 similar statute;

26 2. Has previously been convicted of violating any provision of section  
27 eleven hundred ninety-two of the vehicle and traffic law within the  
28 preceding ten years. For purposes of this subdivision, a conviction in  
29 any other state or jurisdiction of an offense which, if committed in  
30 this state, would constitute a violation of section eleven hundred nine-  
31 ty-two of the vehicle and traffic law, shall be treated as a violation  
32 of such law;

33 3. Was driving twenty or more miles per hour above the legal speed  
34 limit;

35 4. Was committing more than one specified traffic infraction as  
36 defined in subdivision three of section 126.00 of this article;

37 5. Thereby caused the death of more than one person; or

38 6. Thereby caused the death of one person and the serious physical  
39 injury of at least one other person.

40 Aggravated death by vehicle is a class E felony.

41 § 4. This act shall take effect on the first of November next succeed-  
42 ing the date on which it shall have become a law.