STATE OF NEW YORK

10660

IN ASSEMBLY

July 22, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Simone) -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to injury of domestic and companion animals by motorists

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

Section 1. Section 1146 of the vehicle and traffic law, as amended by chapter 333 of the laws of 2010, is amended to read as follows:

§ 1146. Drivers to exercise due care. (a) Notwithstanding the provisions of any other law to the contrary, every driver of a vehicle shall exercise due care to avoid colliding with any bicyclist, pedestrian, [~~or~~] domestic animal**, or companion animal** upon any roadway and shall give warning by sounding the horn when necessary. For the purposes of this section, the term "domestic animal" shall mean domesticated sheep, cattle, and goats which are under the supervision and control of a pedestrian**; and the term "companion animal" means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal**.

(b) 1. A driver of a motor vehicle who causes physical injury as defined in article ten of the penal law to a pedestrian [~~or~~]**,** bicyclist**, domestic animal or companion animal** while failing to exercise due care in violation of subdivision (a) of this section, shall be guilty of a traffic infraction punishable by a fine of not more than five hundred dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment.

2. If such driver of a motor vehicle causes physical injury while failing to exercise due care in violation of subdivision (a) of this section, then there shall be a rebuttable presumption that, as a result of such failure to exercise due care, such person operated the motor vehicle in a manner that caused such physical injury.

(c) 1. A driver of a motor vehicle who causes serious physical injury as defined in article ten of the penal law to a pedestrian [~~or~~]**,** bicyclist**, or companion animal** while failing to exercise due care in

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

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violation of subdivision (a) of this section, shall be guilty of a traffic infraction punishable by a fine of not more than seven hundred fifty dollars or by imprisonment for not more than fifteen days or by required participation in a motor vehicle accident prevention course pursuant to paragraph (e-1) of subdivision two of section 65.10 of the penal law or by any combination of such fine, imprisonment or course, and by suspension of a license or registration pursuant to subparagraph (xiv) or (xv) of paragraph b of subdivision two of section five hundred ten of this chapter.

2. If such driver of a motor vehicle causes serious physical injury while failing to exercise due care in violation of subdivision (a) of this section, then there shall be a rebuttable presumption that, as a result of such failure to exercise due care, such person operated the motor vehicle in a manner that caused such serious physical injury.

(d) A violation of subdivision (b) or (c) of this section committed by a person who has previously been convicted of any violation of such subdivisions within the preceding five years, shall constitute a class B misdemeanor punishable by a fine of not more than one thousand dollars in addition to any other penalties provided by law.

(e) Nothing contained in this section shall prevent the court from imposing any other authorized disposition, including a period of community service.

§ 2. Section 601 of the vehicle and traffic law, as amended by chapter 795 of the laws of 2021, is amended to read as follows:

§ 601. Leaving scene of injury to certain animals without reporting. Any person operating a motor vehicle which shall strike and injure any horse, dog, cat or animal classified as cattle shall stop and endeavor to locate the owner or custodian of such animal or a police, peace or judicial officer of the vicinity, and take any other reasonable and appropriate action so that the animal may have necessary attention, and shall also promptly report the matter to such owner, custodian or officer (or if no one of such has been located, then to a police officer of some other nearby community), exhibiting [~~his or her~~] **such person's** license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, giving [~~his or her~~] **such person's** name and residence, including street and street number, insurance carrier and insurance identification information and license number. In addition to the foregoing, any such person shall also: (i) (A) produce the proof of insurance coverage required pursuant to article forty-four-B of this chapter if such person is a TNC driver operating a TNC vehicle at the time of the incident who was (1) logged on to the TNC's digital network but not engaged in a TNC prearranged trip or (2) was engaged in a TNC prearranged trip; and (B) disclose whether [~~he or she~~] **such person**, at the time such incident occurred, was (1) logged on to the TNC's digital network but not engaged in a TNC prearranged trip or (2) was engaged in a TNC prearranged trip, or (ii) (A) produce the proof of insurance coverage required pursuant to article forty of the general business law if such person is a shared vehicle owner or shared vehicle driver operating a shared vehicle during a peer-to-peer car sharing period while the incident occurred; and (B) disclose whether [~~he or she~~] **such person**, at the time such incident occurred, was operating a shared vehicle during a peer-to-peer car sharing period. Violation of this section shall be punishable by a fine of not more than [~~one~~] **five** hundred dollars for a first offense and by a fine of not less than [~~fifty~~] **two hundred** nor more than [~~one~~] **seven** hundred fifty dollars for a second offense and each subsequent offense;

provided, however where the animal that has been struck and injured is a guide dog, hearing dog or service dog, as such terms are defined in section forty-seven-b of the civil rights law which is actually engaged in aiding or guiding a person with a disability, a violation of this section shall be punishable by a fine of not less than **two hundred** fifty nor more than [~~one~~] **five** hundred fifty dollars for a first offense and by a fine of not less than [~~one~~] **three** hundred fifty dollars nor more than [~~three~~] **seven** hundred **fifty** dollars for a second offense and each subsequent offense.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law.