STATE OF NEW YORK

7717

2023-2024 Regular Sessions

IN SENATE

October 18, 2023

Introduced by Sen. ROLISON -- 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 establishing the offense of aggravated reckless driving

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

Section 1. The vehicle and traffic law is amended by adding a new section 1212-a to read as follows:

§ 1212-a. Aggravated reckless driving. 1. A person is guilty of the offense of aggravated reckless driving when such person commits the offense of reckless driving as defined in section twelve hundred twelve of this chapter and:

(a) has previously been convicted of reckless driving within the preceding eighteen months;

(b) knows or has reason to know that such person's license or privilege of operating a motor vehicle in this state or privilege of obtaining a license to operate such motor vehicle issued by the commissioner is suspended, revoked or otherwise withdrawn from the commissioner;

(c) in the course of operating a motor vehicle, causes physical injury to another person;

(d) commits three separate violations of any of the offenses contained in this title in the course of operating a motor vehicle on a public highway; or

(e) operates a motor vehicle that such person knows or should reasonably know is unregistered or uninsured.

2. Every person violating this statute shall be guilty of a class E felony.

§ 2. The section heading, subdivision two, subparagraph (ii) of paragraph (a) of subdivision five, and subdivisions six and eight of section 511-c of the vehicle and traffic law, as added by chapter 607 of the laws of 1993, are amended to read as follows:

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

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Seizure and forfeiture of vehicles used in the unlicensed operation of a motor vehicle **and reckless driving** under certain circumstances.

2. Any motor vehicle which has been or is being used in violation of paragraph (a) of subdivision three of section five hundred eleven**,** **section twelve hundred twelve, or section twelve hundred twelve-a** of this [~~article~~] **chapter** may be seized by any peace officer, acting pursuant to his or her special duties, or police officer, and forfeited as hereinafter provided in this section.

(ii) The person seeking to claim the motor vehicle has furnished satisfactory evidence of registration and financial security and, if the person was the operator of the vehicle at the time of the violation of paragraph (a) of subdivision three of section five hundred eleven**,** **section twelve hundred twelve, or twelve hundred twelve-a** of this [~~article~~]**chapter**, satisfactory evidence of payment of any fines or penalties imposed in connection therewith; and

6. Where a demand for the return of a motor vehicle is not made within ninety days after the termination of the criminal proceeding founded upon the charge of aggravated unlicensed operation of a motor vehicle in the first degree, **reckless driving, or aggravated reckless driving,** such motor vehicle shall be deemed to be abandoned. Such vehicle shall be disposed of by the county, cities of New York, Yonkers, Rochester or Buffalo or the state, as applicable, in accordance with section twelve hundred twenty-four of this chapter or as otherwise provided by law.

8. Any owner who receives notice of the institution of a forfeiture action who claims an interest in the motor vehicle subject to forfeiture shall assert a claim for the recovery of the motor vehicle or satisfaction of the owner's interest in such motor vehicle by intervening in the forfeiture action in accordance with subdivision (a) of section one thousand twelve of the civil practice law and rules. Any person with a security interest in such vehicle who receives notice of the institution of the forfeiture action shall assert a claim for the satisfaction of such person's security interest in such vehicle by intervening in the forfeiture action in accordance with subdivision (a) of section one thousand twelve of the civil practice law and rules. If the action relates to a vehicle in which a person holding a security interest has intervened pursuant to this subdivision, the burden shall be upon the designated official to prove by clear and convincing evidence that such intervenor knew that such vehicle was or would be used for the commission of a violation of subparagraph (ii) of paragraph (a) of subdivision three of section five hundred eleven**, section twelve hundred twelve, or twelve hundred twelve-a** of [~~the vehicle and traffic law~~] **this chapter** and either (a) knowingly and unlawfully benefitted from such conduct or (b) voluntarily agreed to the use of the vehicle for the commission of such violation by consent freely given. For purposes of this subdivision, such intervenor knowingly and unlawfully benefited from the commission of such violation when he or she derived in exchange for permitting the use of such vehicle by a person or persons committing such specified violation a substantial benefit that would otherwise not have accrued as a result of the lawful use of such vehicle. "Benefit" means benefit as defined in subdivision seventeen of section 10.00 of the penal law.

§ 3. This act shall take effect immediately.