

STATE OF NEW YORK

9915

IN SENATE

September 18, 2024

Introduced by Sen. GOUNARDES -- 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 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:

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

3 § 1146. Drivers to exercise due care. (a) Notwithstanding the
4 provisions of any other law to the contrary, every driver of a vehicle
5 shall exercise due care to avoid colliding with any bicyclist, pedestri-
6 an, [~~or~~] domestic animal, or companion animal upon any roadway and shall
7 give warning by sounding the horn when necessary. For the purposes of
8 this section, the term "domestic animal" shall mean domesticated sheep,
9 cattle, and goats which are under the supervision and control of a
10 pedestrian; and the term "companion animal" means any dog or cat, and
11 shall also mean any other domesticated animal normally maintained in or
12 near the household of the owner or person who cares for such other
13 domesticated animal.

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

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

26 (c) 1. A driver of a motor vehicle who causes serious physical injury
27 as defined in article ten of the penal law to a pedestrian [~~or~~], bicy-
28 clist, 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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1 violation of subdivision (a) of this section, shall be guilty of a traf-
2 fic infraction punishable by a fine of not more than seven hundred fifty
3 dollars or by imprisonment for not more than fifteen days or by required
4 participation in a motor vehicle accident prevention course pursuant to
5 paragraph (e-1) of subdivision two of section 65.10 of the penal law or
6 by any combination of such fine, imprisonment or course, and by suspen-
7 sion of a license or registration pursuant to subparagraph (xiv) or (xv)
8 of paragraph b of subdivision two of section five hundred ten of this
9 chapter.

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

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

20 (e) Nothing contained in this section shall prevent the court from
21 imposing any other authorized disposition, including a period of commu-
22 nity service.

23 § 2. Section 601 of the vehicle and traffic law, as amended by chapter
24 795 of the laws of 2021, is amended to read as follows:

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

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

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