

STATE OF NEW YORK

979

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. ROLISON, BORRELLO, HELMING, MATTERA, OBERACKER, PALUMBO, RHOADS, WEIK -- 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, 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:

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

3 § 1212-a. Aggravated reckless driving. 1. A person is guilty of the
4 offense of aggravated reckless driving when such person commits the
5 offense of reckless driving as defined in section twelve hundred twelve
6 of this article and:

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

9 (b) knows or has reason to know that such person's license or privi-
10 lege of operating a motor vehicle in this state or privilege of obtain-
11 ing a license to operate such motor vehicle issued by the commissioner
12 is suspended, revoked or otherwise withdrawn from the commissioner;

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

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

18 (e) operates a motor vehicle that such person knows or should reason-
19 ably know is unregistered or uninsured.

20 2. Every person violating this statute shall be guilty of a class E
21 felony; provided that this section shall not apply where the motor vehi-
22 cle operated in violation of this section or section twelve hundred
23 twelve of this article is a rental vehicle as defined in paragraph (k)
24 of subdivision one of section three hundred ninety-six-z of the general
25 business law or is owned by a rental vehicle company, as defined in
26 paragraph (c) of subdivision one of such section.

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

LBD01595-01-5

1 § 2. The section heading, subdivision 2, subparagraph (ii) of para-
2 graph (a) of subdivision 5, and subdivisions 6 and 8 of section 511-c of
3 the vehicle and traffic law, as added by chapter 607 of the laws of
4 1993, are amended to read as follows:

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

7 2. Any motor vehicle which has been or is being used in violation of
8 paragraph (a) of subdivision three of section five hundred eleven,
9 section twelve hundred twelve, or section twelve hundred twelve-a of
10 this [~~article~~] chapter may be seized by any peace officer, acting pursu-
11 ant to [~~his or her~~] such peace officer's special duties, or police offi-
12 cer, and forfeited as hereinafter provided in this section.

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

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

28 8. Any owner who receives notice of the institution of a forfeiture
29 action who claims an interest in the motor vehicle subject to forfeiture
30 shall assert a claim for the recovery of the motor vehicle or satisfac-
31 tion of the owner's interest in such motor vehicle by intervening in the
32 forfeiture action in accordance with subdivision (a) of section one
33 thousand twelve of the civil practice law and rules. Any person with a
34 security interest in such vehicle who receives notice of the institution
35 of the forfeiture action shall assert a claim for the satisfaction of
36 such person's security interest in such vehicle by intervening in the
37 forfeiture action in accordance with subdivision (a) of section one
38 thousand twelve of the civil practice law and rules. If the action
39 relates to a vehicle in which a person holding a security interest has
40 intervened pursuant to this subdivision, the burden shall be upon the
41 designated official to prove by clear and convincing evidence that such
42 intervenor knew that such vehicle was or would be used for the commis-
43 sion of a violation of subparagraph (ii) of paragraph (a) of subdivision
44 three of section five hundred eleven, section twelve hundred twelve, or
45 section twelve hundred twelve-a of [~~the vehicle and traffic law~~] this
46 chapter and either (a) knowingly and unlawfully benefitted from such
47 conduct or (b) voluntarily agreed to the use of the vehicle for the
48 commission of such violation by consent freely given. For purposes of
49 this subdivision, such intervenor knowingly and unlawfully benefitted
50 from the commission of such violation when [~~he or she~~] such intervenor
51 derived in exchange for permitting the use of such vehicle by a person
52 or persons committing such specified violation a substantial benefit
53 that would otherwise not have accrued as a result of the lawful use of
54 such vehicle. "Benefit" means benefit as defined in subdivision seven-
55 teen of section 10.00 of the penal law.

56 § 3. This act shall take effect immediately.