STATE OF NEW YORK

5422

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. VANEL -- read once and referred to the Committee on Transportation

AN ACT to amend the penal law and the vehicle and traffic law, in relation to the reckless use or operation of a vehicle in concert with another

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

Section 1. Section 125.15 of the penal law is amended to read as follows:

§ 125.15 Manslaughter in the second degree.

A person is guilty of manslaughter in the second degree when:

1. [~~He~~] **Such person** recklessly causes the death of another person; [~~or~~ ~~3. He~~] **2. Such person** intentionally causes or aids another person to commit suicide**; or**

3. Such person engages in reckless driving, as defined in section twelve hundred twelve of the vehicle and traffic law, in concert with another person, and such other person causes the death of another as a result of such reckless driving.

For purposes of subdivision three of this section, "in concert" shall mean two or more individuals in separate vehicles engaging in reckless driving in coordination with one another at the same time and in the same general area.

Manslaughter in the second degree is a class C felony.

§ 2. The vehicle and traffic law is amended by adding a new section 389 to read as follows:

§ 389. Joint and several liability as a result of the reckless use or operation of a vehicle in concert with another. 1. Every owner of a vehicle used or operated in this state in violation of section twelve hundred twelve of this chapter acting in concert with another who is operating their vehicle in violation of such statute shall be jointly and severally liable and responsible with such other person for death or

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

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injuries to person or property resulting from the violation of such statute in the use or operation of such person's or other person's vehicle.

2. The terms "vehicle" and "owner" shall have the same meanings as in section three hundred eighty-eight of this article. The term "in concert" shall have the same meaning as such term is defined in section 125.15 of the penal law.

3. All bonds executed by or policies of insurance issued to the owner of any vehicle subject to the provisions of this section shall contain a provision for indemnity or security against the liability and responsibility provided in this section; provided however, except as provided in paragraphs one and two of subsection (g) of section three thousand four hundred twenty of the insurance law, this provision shall not be construed as requiring that such a policy include insurance against any liability of the insured, being an individual, for death of or injuries to their spouse or for injury to property of their spouse, where the injured spouse, to be entitled to recover, must prove the culpable conduct of the insured spouse.

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