

STATE OF NEW YORK

5953

2025-2026 Regular Sessions

IN ASSEMBLY

February 25, 2025

Introduced by M. of A. GRIFFIN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to including within the offense of vehicular assault in the second degree, the causing of serious injury while knowingly operating a motor vehicle with a revoked or suspended license or while not holding a license and establishing the offense of vehicular homicide

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

1 Section 1. Section 120.03 of the penal law, as amended by chapter 732
2 of the laws of 2006, is amended to read as follows:
3 § 120.03 Vehicular assault in the second degree.
4 A person is guilty of vehicular assault in the second degree when [~~he~~
5 ~~or she~~] such person causes:
6 1. serious physical injury to another person, and either:
7 [~~(1)~~] (a) operates a motor vehicle in violation of subdivision two,
8 three, four or four-a of section eleven hundred ninety-two of the vehicle and traffic law or operates a vessel or public vessel in violation
9 of paragraph (b), (c), (d) or (e) of subdivision two of section forty-
10 nine-a of the navigation law, and as a result of such intoxication or
11 impairment by the use of a drug, or by the combined influence of drugs
12 or of alcohol and any drug or drugs, operates such motor vehicle, vessel
13 or public vessel in a manner that causes such serious physical injury to
14 such other person, or
15 [~~(2)~~] (b) operates a motor vehicle with a gross vehicle weight rating
16 of more than eighteen thousand pounds which contains flammable gas,
17 radioactive materials or explosives in violation of subdivision one of
18 section eleven hundred ninety-two of the vehicle and traffic law, and
19 such flammable gas, radioactive materials or explosives is the cause of
20 such serious physical injury, and as a result of such impairment by the
21

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

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1 use of alcohol, operates such motor vehicle in a manner that causes such
2 serious physical injury to such other person, or

3 [~~(3)~~] (c) operates a snowmobile in violation of paragraph (b), (c) or
4 (d) of subdivision one of section 25.24 of the parks, recreation and
5 historic preservation law or operates an all terrain vehicle as defined
6 in paragraph (a) of subdivision one of section twenty-two hundred eight-
7 y-one of the vehicle and traffic law and in violation of subdivision
8 two, three, four, or four-a of section eleven hundred ninety-two of the
9 vehicle and traffic law, and as a result of such intoxication or impair-
10 ment by the use of a drug, or by the combined influence of drugs or of
11 alcohol and any drug or drugs, operates such snowmobile or all terrain
12 vehicle in a manner that causes such serious physical injury to such
13 other person.

14 If it is established that the person operating such motor vehicle,
15 vessel, public vessel, snowmobile or all terrain vehicle caused such
16 serious physical injury while unlawfully intoxicated or impaired by the
17 use of alcohol or a drug, then there shall be a rebuttable presumption
18 that, as a result of such intoxication or impairment by the use of alco-
19 hol or a drug, or by the combined influence of drugs or of alcohol and
20 any drug or drugs, such person operated the motor vehicle, vessel,
21 public vessel, snowmobile or all terrain vehicle in a manner that caused
22 such serious physical injury, as required by this [~~section.~~] subdivi-
23 sion; or

24 2. serious physical injury to another person, while operating a motor
25 vehicle, knowing or having reason to know that such person's license to
26 or privilege to operate a motor vehicle is suspended or revoked pursuant
27 to subdivision two or two-a of section five hundred ten or subdivision
28 one or three of section five hundred ten-a of the vehicle and traffic
29 law for conduct relating to the operation of a motor vehicle, or knowing
30 or having reason to know that such person is not licensed to operate a
31 motor vehicle on a public highway pursuant to the vehicle and traffic
32 law.

33 Vehicular assault in the second degree is a class E felony.

34 § 2. The opening paragraph of section 120.04 of the penal law, as
35 amended by chapter 496 of the laws of 2009, is amended to read as
36 follows:

37 A person is guilty of vehicular assault in the first degree when [~~he~~
38 ~~or she~~] such person commits the crime of vehicular assault in the second
39 degree as defined in subdivision one of section 120.03 of this article,
40 and either:

41 § 3. The penal law is amended by adding a new section 125.13-a to read
42 as follows:

43 § 125.13-a Vehicular homicide.

44 A person is guilty of vehicular homicide when such person causes the
45 death of another person, while operating a motor vehicle, knowing or
46 having reason to know that such person's license to or privilege to
47 operate a motor vehicle is suspended or revoked pursuant to subdivision
48 two or two-a of section five hundred ten or subdivision one or three of
49 section five hundred ten-a of the vehicle and traffic law for conduct
50 relating to the operation of a motor vehicle, or knowing or having
51 reason to know that such person is not licensed to operate a motor vehi-
52 cle on a public highway pursuant to the vehicle and traffic law.

53 Vehicular homicide is a class D felony.

54 § 4. This act shall take effect on the one hundred eightieth day after
55 it shall have become a law.