**S1108**  GOLDEN  Same as A 1879  Cymbrowitz (MS)   Voting

**Text Versions:** S 1108

**S1108**  GOLDEN  Same as A 1879  Cymbrowitz (MS)
ON FILE: 01/06/16 Vehicle and Traffic Law
TITLE....Increases penalties for leaving the scene of an incident without reporting

|  |  |  |
| --- | --- | --- |
|  |  |  |
| 01/08/15 | REFERRED TO TRANSPORTATION |  |
| 05/28/15 | 1ST REPORT CAL.1018 |  |
| 06/01/15 | 2ND REPORT CAL. |  |
| 06/02/15 | ADVANCED TO THIRD READING |  |
| 06/08/15 | PASSED SENATE |  |
| 06/08/15 | DELIVERED TO ASSEMBLY |  |
| 06/08/15 | referred to transportation |  |
| 01/06/16 | died in assembly |  |
| 01/06/16 | returned to senate |  |
| 01/06/16 | REFERRED TO TRANSPORTATION |  |

GOLDEN, ADDABBO, AVELLA, BOYLE, MARTINS
Amd �600, V & T L
Increases penalties for leaving the scene of an incident without reporting.
CRIMINAL SANCTION IMPACT.

 **STATE OF NEW YORK**

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 1108

 2015-2016 Regular Sessions

 **IN SENATE**

 January 8, 2015

 \_\_\_\_\_\_\_\_\_\_\_

 Introduced by Sen. GOLDEN -- 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 increasing

 penalties for leaving the scene of an incident without reporting

 **The People of the State of New York, represented in Senate and Assem-**

 **bly, do enact as follows:**

 1 Section 1. Paragraph c of subdivision 2 of section 600 of the vehicle

 2 and traffic law, as amended by chapter 49 of the laws of 2005, is

 3 amended to read as follows:

 4 c. A violation of the provisions of paragraph a of this subdivision

 5 resulting solely from the failure of an operator to exhibit his or her

 6 license and insurance identification card for the vehicle or exchange

 7 the information required in such paragraph shall constitute a class B

 8 misdemeanor punishable by a fine of not less than two hundred fifty nor

 9 more than five hundred dollars in addition to any other penalties

 10 provided by law. Any subsequent such violation shall constitute a class

 11 A misdemeanor punishable by a fine of not less than five hundred nor

 12 more than one thousand dollars in addition to any other penalties

 13 provided by law. Any violation of the provisions of paragraph a of this

 14 subdivision, other than for the mere failure of an operator to exhibit

 15 his or her license and insurance identification card for such vehicle or

 16 exchange the information required in such paragraph, shall constitute a

 17 class [**~~A misdemeanor~~**] **E felony**, punishable by a fine of not less than

 18 [**~~five hundred~~**] **one thousand** dollars nor more than one thousand **five**

 19 **hundred** dollars in addition to any other penalties provided by law. Any

 20 such violation committed by a person after such person has previously

 21 been convicted of such a violation shall constitute a class [**~~E~~**] **D** felo-

 22 ny, punishable by a fine of not less than one thousand **five hundred** nor

 23 more than [**~~two~~**] **three** thousand [**~~five hundred~~**] dollars in addition to any

 24 other penalties provided by law. Any violation of the provisions of

 25 paragraph a of this subdivision, other than for the mere failure of an

 EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets

 [] is old law to be omitted.

 LBD04568-01-5

 S. 1108 2

 1 operator to exhibit his or her license and insurance identification card

 2 for such vehicle or exchange the information required in such paragraph,

 3 where the personal injury involved (i) results in serious physical inju-

 4 ry, as defined in section 10.00 of the penal law, shall constitute a

 5 class [**~~E~~**] **D** felony, punishable by a fine of not less than one thousand

 6 **five hundred** nor more than five thousand **five hundred** dollars in addi-

 7 tion to any other penalties provided by law, or (ii) results in death

 8 shall constitute a class [**~~D~~**] **C** felony punishable by a fine of not less

 9 than two thousand **five hundred** nor more than five thousand **five hundred**

 10 dollars in addition to any other penalties provided by law.

 11 § 2. This act shall take effect on the first of November next succeed-

 12 ing the date on which it shall have become a law.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S1108

**SPONSOR:** GOLDEN

**TITLE OF BILL**:

An act to amend the vehicle and traffic law, in relation to increasing

penalties for leaving the scene of an incident without reporting

**PURPOSE**:

This bill strengthens the penalties that may be imposed upon motorists

who leave the scene of an accident where an injury occurs.

**SUMMARY OF PROVISIONS**:

Section one of this bill amends paragraph c of subdivision 2 of section

600 of the Vehicle and Traffic Law concerning leaving the scene of an

accident without reporting.

The penalty for leaving the scene of an accident without reporting when

there is property damage is increased from an "A" misdemeanor to an "E"

felony. The minimum and maximum fines that may be imposed are also

increased by $500 to $1,000 and $1,500, respectively.

The penalty for repeat offenders is increased from an "E" felony to a

"D" felony. The minimum and maximum fines that may be imposed are also

increased by $500 to $1,500 and $3,000, respectively.

The penalty for leaving the scene of an accident without reporting when

the accident resulted in serious bodily injury is increased from an "E"

felony to a "D" felony. The minimum and maximum fines that may be

imposed are also increased by $500 to $1,500 and $5,500, respectively.

The penalty for leaving the scene of an accident when the accident

resulted in death is increased from a "ID" felony to a "C" felony. The

minimum and maximum fines that may be imposed are also increased by $500

to $2,500 and $5,500, respectively.

Section 2 of this bill provides that this act shall take effect on the

first of November next succeeding the date on which it shall have become

a law.

**EXISTING LAW**:

Currently, the Vehicle and Traffic Law provide penalties for motorists

who leave the scene of an accident without reporting. These penalties

range from an "A" misdemeanor with a maximum fine of $1,000 when the

accident resulted in property damage to a "D" felony with a maximum fine

of $5,000 when the accident resulted in a death.

**JUSTIFICATION**:

If a driver remains at the scene of an accident where injury occurs and

is intoxicated or impaired by drugs or a combination of drugs and alco-

hol, he or she can be charged with an "D" felony. A conviction on such a

charge carries a maximum penalty of up to 7 years of imprisonment. This

legislation proposes that all penalties for leaving the scene of an

incident without reporting be increased. By doing so, the first-time

offender causing injury faces "D" felony charges. This will be commensu-

rate with charges faced by a drunk driver who causes serious physical

injury and remains at the scene. Likewise, an offender who leaves the

scene of an accident resulting in death will face a "C" felony which

will be commensurate with charges faced by a drunk driver of an accident

resulting in death and remains at the scene resulting in a sentence of

up to 15 years of imprisonment.

Penalties should not be less severe for a driver who injures others and

leaves the scene of the accident, and the law should provide a disincen-

tive for such behavior. Although the New York State Legislature

increased all penalties under Vehicle and Traffic Law section 600(2) in

amendments that became effective in November 2005, these changes have

had arguably little impact upon incidences of hit-and-run accidents.

Within New York City, there were 2,236 hit and run accidents in October

2014. Indeed, many high-profile hit-and-run accidents resulting in inju-

ry or death have been reported by the media over the past year within

the five boroughs. Every year, hit and run accidents are a large problem

for the entire state of New York. Stronger action is clearly required,

and additional increases are warranted.

Increasing all penalties for leaving the scene under Vehicle and Traffic

Law section 600(2)(c) will deter drivers from leaving injured victims on

the road, facilitate police investigation, and permit chemical testing

of drivers by the police in cases where such testing is warranted.

**LEGISLATIVE HISTORY**:

2014: S.2503 Passed the Senate

2013: S.2503 Passed the Senate

2012: S.2918 Passed the Senate

2011: S.2918 Passed the Senate

2010: S.3570 Referred to Transportation

2009: S.3570 - Referred to Transportation

**FISCAL IMPLICATIONS**:

None to the State

**EFFECTIVE DATE**:

This act shall take effect on the first of November next succeeding the

date on which it shall have become a law.