



NEW YORK STATE SENATOR

Daniel L. Squadron

Squadron/Kavanagh Bill Increasing Penalties Against Careless Drivers Signed Into Law

DANIEL L. SQUADRON August 17, 2010

“Hayley and Diego Law” to Make Streets Safer for Pedestrians, Bicyclists New Law

Another Step in Comprehensive Plan to Improve Pedestrian and Bicycle Safety

New York, NY—State Senator Daniel Squadron, Assembly Member Brian Kavanagh, and Transportation Alternatives announced that last Friday, Governor Paterson signed into law their bill that increases the penalties for careless drivers who injure pedestrians, bicyclists and other road users. The legislation was introduced after the tragic deaths of Hayley Ng, 4, and Diego Martinez, 3, who were killed last year in Chinatown when a delivery van that had been left in reverse climbed the curb and hit the children. The driver in question was not charged with any infraction resulting from the children’s death.

The law imposes the following penalties on drivers whose failure to exercise due care results in injury to pedestrians or bicyclists:

- For a first offense, a fine of \$750, 15 days of jail time, participation in a driving training course, suspension or revocation of the driver’s license or registration, or any combination of these penalties; and
- For a second offense, a misdemeanor charge.

Senator Squadron said, “In a city with millions of walkers and bikers, careless driving can lead to tragic consequences – we saw this too clearly with the deaths of Hayley Ng and Diego Martinez. By creating real penalties, this law will send a message to drivers that they have an obligation to drive carefully and keep our streets safe. I thank Assembly Member Kavanagh, Transportation Alternatives, and my other colleagues in government for working so hard on this important legislation, and I commend Governor Paterson for signing it into law.”

Assembly Member Brian Kavanagh said, “How carefully you choose to drive is not just between you and the DMV, or you and your insurance company. People who drive carelessly pose a real threat to everyone’s safety. By requiring such drivers who cause injury or death to participate in safety education, do community service, and pay large fines—and in egregious cases making careless drivers carless by taking away their license and registration and even sending the worst offenders to jail—we hope to make it clear that drivers who engage in dangerous behavior on the road should stop now, before they cause the next tragedy.”

“It is vital that drivers in New York City—where there are so many pedestrians and bicyclists—take every possible precaution to avoid the horrible incident we saw in Chinatown last year, when young Hayley and Diego were tragically killed,” Assembly Speaker Sheldon Silver said. “I want to thank Governor Paterson for signing this important law, which creates real penalties for those who drive recklessly and endanger innocent lives. I also want to thank Senator Squadron and Assemblyman Kavanagh for their hard work on this legislation. Our streets and sidewalks are what make our city great, and we must ensure that cars, pedestrians and bicyclists can share them safely.”

Manhattan Borough President Scott M. Stringer said, “I applaud Governor Paterson for signing this important piece of legislation into law. Today, New York has sent a message that the right to drive a car does not include a license for recklessness. After the tragic incident

last summer that took the lives of Hayley Ng and Diego Martinez, it was essential for the State to act. I was proud to work with Assemblymember Kavanagh, State Senator Squadron and Transportation Alternatives to develop this commonsense measure to protect New York's pedestrians and cyclists."

Council Member Margaret Chin said, "The deaths of Hayley Ng and Diego Martinez were a tragedy for their families, and for the community as a whole. They provided us with a sad reminder of just how dangerous it is to be a pedestrian in New York City. Worse, the law was shamefully lax, meaning these families couldn't even hold the driver accountable. Now we have made sure these crimes are adequately punished in the future – and less likely to happen in the first place. I want to congratulate Senator Squadron, Assemblymember Kavanagh, Assembly Speaker Silver, Borough President Stringer, and Transportation Alternatives for their hard work on this bill and I am please that Governor Paterson has signed it into law."

Paul Steely White, Executive Director of Transportation Alternatives, said, "In light of the report released today by Mayor Bloomberg, showing that pedestrians account for half of the traffic deaths in New York City, are 10-times more likely to die in a crash than motor vehicle occupants and that traffic crashes cost the city \$4.3 billion each year, this law is a welcomed tool to make drivers think twice before putting vulnerable road users in harm's way. While we cannot provide justice for Hayley Ng and Diego Martinez, we can look towards a future where careless drivers who kill and injure do not drive away without reprimand. The goal of this bill is not punishment, but changing driver behavior to make our streets safer. We call on the NYPD and the boroughs' district attorneys to use the Hayley Ng and Diego Martinez law as the prosecutorial tool to a safer city."

May Ng, Hayley's mother, said, "While nothing will ever undo the crash that took Hayley away from us, this new law will prevent tragedies like ours from happening to other families

by holding drivers accountable for careless behavior.”

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