



NEW YORK STATE SENATOR

Daniel L. Squadron

Squadron, Kavanagh Announce New Legislation to Strengthen Hayley and Diego's Law and Crack Down on Careless Driving

[Daniel L. Squadron](#)

February 10, 2012

ISSUE:

- [Crime](#)
- [Transportation](#)
- [Police](#)
- [Constituents Corner](#)

New Bill Gives Law Enforcement Tools to Better Enforce Law and Hold Careless Drivers Accountable

NEW YORK – Today, State Senator Daniel Squadron and Assemblymember Brian Kavanagh announced new legislation to give law enforcement better tools to crack down on careless drivers who injure pedestrians and bicyclists. The bill strengthens “Hayley and Diego’s Law” (Vehicle & Traffic Law 1146), which was introduced after

the tragic deaths of Hayley Ng, 4, and Diego Martinez, 3, who were killed in 2009 in Chinatown when a delivery van that was left in reverse jumped the curb and hit the children.

VTL 1146, which is a priority of Transportation Alternatives and went into effect in October 2010, imposed the following penalties on drivers whose failure to exercise due care results in the injury or death of pedestrians or bicyclists:

- For the first offense, a fine of \$750 or 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 the second offense, any of the above penalties, plus a misdemeanor charge.

However, current police policy dictates that an officer cannot issue a violation unless the officer witnesses the crash, which limits the number of incidents in which police departments in New York City and elsewhere will charge a VTL 1146 violation. This new bill – S6416 / A9219 – makes the authority to enforce the law explicit, even if the officer was not present at the time of the crash, as long as the officer has reasonable cause to believe the violation was committed by the driver.

"Hayley and Diego's Law made it clear that a driver's license is not a license for carelessness. But we now must provide law enforcement with additional tools to effectively crack down on careless driving. This bill is another important step," said Senator Squadron. "Thank you to Assemblymember Kavanagh and Transportation Alternatives who have been leaders in the push to make our streets safer for everyone."

"Our previous bill, which went into effect last year, was an important step forward in getting the word out that drivers need to focus on what they're doing and stop the carelessness that has led to so many tragedies. It also promised a measure of justice when these tragedies do occur," said Assemblymember Kavanagh. "Now with the benefit of our experience of how the law is working in the field, we've worked with law enforcement and safety advocates and identified a way to make it far more effective at holding careless drivers accountable for their dangerous behavior and making our streets safer."

"The epidemic of dangerous driving claims the lives of hundreds of New Yorkers every year and severely injures thousands," said Paul Steely White, Executive Director of Transportation Alternatives. "Senator Squadron and Assembly Member Kavanagh are offering the NYPD more tools to hold dangerous drivers accountable; we hope their colleagues in the state legislature will pass this amendment and we hope the police will use every tool at their disposal to keep our streets safe."

###