



NEW YORK STATE SENATOR

Daniel L. Squadron

Squadron Announces Senate Transportation Committee Passage of Bill to Strengthen Hayley & Diego's Law and Crack Down on Careless Driving

[Daniel L. Squadron](#)

March 19, 2013

ISSUE:

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

Council Resolution Supports Squadron-Kavanagh Legislation

NEW YORK – State Senator Daniel Squadron announced that the Senate Transportation Committee today passed his legislation (S3644) to provide law

enforcement with better tools to crack down on careless drivers who injure or kill pedestrians and bicyclists. The bill, also sponsored by Assemblymember Brian Kavanagh, would strengthen "Hayley and Diego's Law" (Vehicle & Traffic Law 1146), which Squadron and Kavanagh introduced and passed 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.

"Hayley and Diego's Law made it clear that a driver's license is not a license for carelessness. But now we will provide law enforcement with additional tools to effectively crack down on careless driving. Our bill is a vital step toward protecting pedestrians, cyclists, and drivers alike," said Senator Squadron. "Thank you to my colleagues for passing the bill out of committee, and to Assemblymember Kavanagh, Councilmember Vacca, and Transportation Alternatives, who have been leaders in the push to make our streets safer for everyone. I urge my colleagues to quickly bring the bill to a full vote."

The New York City Council Committee on Transportation also passed a resolution today in support of the Squadron/Kavanagh legislation. The resolution will now be on the agenda for the Council's Stated Meeting tomorrow afternoon.

Hayley and Diego's Law (VTL 1146), which went into effect in 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 Squadron/Kavanagh bill (S3644) would amend Hayley and Diego's Law and make 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.

###