



NEW YORK STATE SENATOR

Daniel L. Squadron

Squadron Announces Senate Passage of Bill to Crack Down on Careless Driving

[Daniel L. Squadron](#)

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Squadron-Kavanagh Legislation Strengthens Hayley & Diego's Law, Gives Law Enforcement Better Tools to Protect Pedestrians, Cyclists, Drivers

ALBANY – State Senator Daniel Squadron announced that the full State Senate has passed his legislation 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. The children were killed in 2009 in Chinatown when a delivery van that

was left in reverse jumped the curb and hit the children.

In March, the New York City Council passed a resolution in support of the Squadron/Kavanagh legislation.

Hayley and Diego's Law (VTL 1146) went into effect in 2010 and 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. The 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.

"Our bill will provide law enforcement with additional, vital tools to effectively crack down on careless driving -- and send a strong message that a driver's license is not a license for carelessness," said **Senator Daniel Squadron**. "Law enforcement must have every tool at their disposal to protect pedestrians, cyclists, and drivers as we work toward the safer streets New Yorkers need. Thank you to my colleagues in the Senate for passing this bill, and to Assemblymember Kavanagh, Councilmember Vacca, Transportation Alternatives, Tri-State Transportation Committee, and all of the advocates who have led the push to make our streets safer for everyone."

"This legislation will make New Yorkers safer by enabling law enforcement to hold careless and distracted drivers accountable when they injure or kill pedestrians or cyclists," said **Assemblymember Brian Kavanagh**. "Senator Squadron and I have heard the concerns of police and safety advocates about the difficulty issuing violations under current law, even when there's a serious accident. This bill

addresses those concerns and also makes it clear that highway workers are entitled to the same protections as other pedestrians. I congratulate and thank Senator Squadron for his leadership and his success in moving the bill through the Senate. I look forward to following suit in the Assembly, so we can better protect pedestrians, cyclists, and highway workers, and provide a measure of justice for victims and their loved ones."

"Until now, a loophole has put New Yorkers in harms way: a police officer cannot issue a ticket to a lawbreaking driver who crashes into and injures a pedestrian unless the officer actually witnessed the violation. We applaud Senator Squadron for passing this very necessary bill to close that loophole and finally fix the broken status quo. We call on the Assembly to follow up quickly in order to keep New Yorkers safe," said **Paul Steely White, Executive Director of Transportation Alternatives**.

"Closing the legal loophole in the Haley and Diego Law will ensure reckless drivers are held accountable for their actions. Our roads will be safer for all as a result. We applaud the Senate for their quick passage of this legislation. It is time for the Assembly to pass this measure. There is no reason to delay justice," said **Veronica Vanterpool, Executive Director, Tri-State Transportation Campaign**.

"This legislation will go a long way toward holding drivers accountable for careless behavior -- including the carelessness that took the lives of Hayley Ng and Diego Martinez. Thank you to Senator Squadron, Assemblyman Kavanagh, and everyone working for the safer streets we need in Lower Manhattan and across our city," said **Gigi Li, Chair of Manhattan Community Board 3**.

"It is so important that we do everything possible to make our streets safer, in Chinatown and across New York. Senator Squadron's bill will help make sure that law enforcement can crack down on careless driving -- and better protect children, seniors, and all users on our streets," said **Justin Yu, Board President at Confucius Plaza**.

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