



NEW YORK STATE SENATOR

Kenneth P. LaValle

Senator Ken LaValle: Hold Drivers Who Flee Accidents Accountable

KENNETH P. LAVALLE March 25, 2015

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March 25, 2015 – Senator Ken LaValle reports that the Senate has passed legislation that would close a legal loophole and hold drivers and drunk drivers that leave the scene of an accident more accountable for their actions. The bill would clarify and strengthen the law regarding the obligations of those that are involved in an accident where there is a reasonable presumption of damage and/or injury.

Senator LaValle said, “There have been instances in my Senate district, and across the state, where drivers fled accidents where people were injured only to have the driver escape prosecution via a legal loophole. This legislation, dubbed “Alix’s Law”, will close the loophole and hold these drivers responsible for their actions.”

Alix’s Law is being dedicated to the memory of 18-year-old Alix Rice, who was killed by a drunk driver as she rode home on her skateboard in Erie County, NY. In 2012, the driver was acquitted of manslaughter, leaving the scene of an accident, and evidence tampering by utilizing the loophole. He served only eight months in jail after being convicted of misdemeanor drunken driving.

The current law requires drivers to report an accident only when they know or have reason to know the accident resulted in an injury or property damage. Under this loophole, drivers are able to flee the scene of an accident and later claim they did not know any injury or

damage occurred. This legislation, if signed into law, would now require all drivers who have an accident to stop and investigate whether there are injuries or damage. Additional provisions of the bill would hold that drunk drivers are presumed to know that the damage and/or injury occurred, closing the legal loophole for DWI cases. Drivers who flee the scene would not be able to avoid the law and appropriate penalties.

The bill (S405) has been delivered to the Assembly, who referred the legislation to that house's Committee on Transportation for consideration.

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