



ABATE Position: Legislative Session 2007

ABATE of New York Will Support:

BILL NO A03699 & S 2836 Summary:

SPONSOR: Parment

COSPONSOR: Lupardo

MULTISPONSOR: Hikind, Magee

SAME AS: **S 2836** – SPONSOR: Nozzolio - COSPONSOR: Farley, Johnson, Maziarz, Morahan, Wright

Amend S381, V & T L

Exempts motorcyclists over the age of twenty-one from the requirement of wearing protective helmets of a type approved by the commissioner of motor vehicles when operating or riding a motorcycle.

BILL NO A05376 & S0796 Summary:

SPONSOR: McEneny

MULTISPONSOR: Abbate, Aubertine, Benjamin, Colton, Cook, DelMonte, Destito, Espaillat, Gordon D, Lancman, Magee, Reilly, Rivera J, Schimminger, Sweeney, Towns, Weisenberg, Zebrowski

SAME AS: **S0 796** – SPONSOR: Flanagan - Cosponsor:: Leibell, Marcellino, Maziarz, Padavan, Rath

Amend S1115, Tax L

Exempts bicycle, motorcycle, snowmobile and equestrian helmets from sales and use tax.

BILL NO A02780 Summary:

SPONSOR: Kolb

COSPONSOR: Walker, Errigo - Multisponsor: Raia

SAME AS: **S01662** - Sponsor: Padavan

COSPONSOR: Bonacic, Marcellino, Morahan, Rath, Skelos

Amend S450.10, Pen L

Expedites the return of stolen motor vehicles and motorcycles to their rightful owners thereby reducing overcrowding of police storage pounds; provides for evidentiary photographs of their vehicle to be made available upon discovery.

Support A02780 & S01662:

By requiring an expeditious release of the auto after evidentiary photos are taken by the police, including any specific damaged part of the auto, the complainant will be afforded the expeditious return and use of the car, the police will be relieved of the burden of storage and the defendant will have evidentiary photographs of the vehicle available upon discovery.

BILL NO A05817 Summary:

No same as

SPONSOR: Towns

COSPONSOR: Benedetto, Colton, Errigo, Espaillat, Greene, Jaffee, Millman, Zebrowski, Alfano

MULTISPONSOR: Burling, Calhoun, Crouch, Gordon D, Lafayette, Markey, Mayersohn, McKeivitt, Rivera J, Sayward, Spano, Thiele, Townsend, Weisenberg

Add Art 7-A SS369 - 369-b, V & T L

Establishes the "motor vehicle owners` right to repair act of 2007" which mandates automobile manufacturers to release vehicle repair information to vehicle owners allowing such owners to choose among competing repair facilities for the convenient, reliable and affordable repair of their motor vehicles.

BILL NO A02226 Summary:

No same as
SPONSOR: John

Amend S361, Pub Auth L; amend S1630, V & T L
Exempts motorcycles from tolls collected from the New York State Thruway Authority by authorizing the Thruway Authority to promulgate rules and regulations to establish such exemption.

BILL NO S405 Summary:

SPONSOR: Young, Maziarz
SAME AS: **A 7568** - SPONSOR: Lupardo

Amend S1111, V & T L
Authorizes the operator of a motorcycle to cautiously proceed through an intersection when facing a steady red traffic-control signal, if he or she has stopped and the signal remains red for an unreasonable period of time such that the signal is apparently malfunctioning or is triggered by the approach of a motor vehicle and the motor vehicle has not been detected by the signal.

BILL NO A01939 & S01705 Summary:

SPONSOR: Lupardo
COSPONSOR: Canestrari, Zebrowski, DelMonte, Schroeder, Espailat, Aubertine, Magee, Carrozza
MULTISPONSOR: Boyland, Brennan, Cook, Crouch, Destito, John, Lafayette, Latimer, Lopez V, Markey, McEneny, Miller, Pheffer, Pretlow, Sweeney, Titus, Weisenberg

SAME AS: **S01705** - SPONSOR: Robach

Amend S423-a, V & T L

Provides that ownership of unidentifiable part in identifiable motorcycle, other than a stolen motorcycle shall be returned to such owner, provided that department has made findings such owner had no knowledge part was unidentifiable and that owner wasn't responsible nor acted in concert to render such part unidentifiable; provides that a department investigation shall take place within thirty days after seizure of motorcycle; and requires commissioner to establish criteria to determine whether motorcycle shall be confiscated, seized or impounded and also to establish a system to ensure return of motorcycles to owners in undamaged condition.

BILL NO A06322 Summary:

No same as
SPONSOR: Benjamin
COSPONSOR: Kolb, Alfano
MULTISPONSOR: Ortiz, Weisenberg

Add S125.14, Pen L
Creates the crime of vehicular manslaughter in the third degree, a class E felony, wherein a person operates a motor vehicle negligently so that the lives or safety of the public might be endangered and by any such operation causes the death of another person.

BILL NO A06701 Summary:

SAME AS: No same as
SPONSOR: Raia
COSPONSOR: Alfano, Burling, Giglio, Kolb, Walker
MULTISPONSOR: Bacalles, Barclay, Barra, Butler, Calhoun, Conte, Errigo, Finch, Fitzpatrick, McDonough, McKeivitt, Miller, O`Mara, Sayward, Thiele, Townsend

Amend SS120.03, 120.04, 125.12 & 125.13, Pen L; amend S600, V & T L
Increases the criminal penalties for crimes of vehicular assault, vehicular manslaughter and leaving the scene of an incident where death or serious personal injury has resulted.

BILL NO S03495 Summary:

No same as
SPONSOR: LIBOUS

Amend S603-b, V & T L

Requires officers to make certain notations in the event of a serious physical injury or death resulting from a vehicle accident...to notify judges and district attorneys of the consequences of what might otherwise be viewed as an unremarkable violation.

BILL NO S1348 & A7091 Summary:

SPONSOR: JOHNSON
COSPONSOR: LARKIN, MAZIARZ, PADAVAN, RATH, TRUNZO
SAME AS: **A7091** – SPONSOR: Dinowitz, COSPONSOR: Gunther, Benedetto, Galef Gottfried, Jaffee, Markey, McEneny, Pheffer

Prohibits the operation of any motor vehicle equipped with a device which affects the operation of traffic-control signals; the possession of such a device shall constitute a traffic infraction, use thereof is a class A misdemeanor, and use which results in property damage, personal injury or death shall constitute a class E felony.

BILL NO A01234 & S01290 Summary:

SPONSOR: Bing
COSPONSOR: Benjamin, Ortiz, Cahill, Titus, Lavelle
MULTISPONSOR: Boyland, Brook-Krasny, Cook, Cymbrowitz, Diaz R, Gordon D, Grannis, Hooper, Lafayette, Lavine, Millman, Peralta, Towns
SAME AS: **S1290** SPONSOR: Bonacic

Add S1212-a, V & T L; amend S120.03, add S125.14, Pen L

Defines offenses prohibiting driving or using a motor vehicle while the driver's ability or alertness is so impaired from fatigue as to make it unsafe to operate the vehicle. Creates the offense of driving while drowsy, a class A misdemeanor; includes driving while drowsy under the offense of vehicular assault in the second degree; creates the crime of vehicular homicide caused by driving while ability impaired by fatigue, a class E felony, subject to an indeterminate term of imprisonment of up to three years and license revocation.

BILL NO A03004 Summary:

No same as
SPONSOR: Alessi

Add S1225-d, V & T L

Directs the department of motor vehicles to establish a toll free hot-line and database for reporting incidents of aggressive driving; permits the issuance of traffic infractions with a fine of \$200 to operators about whom ten separate complaints have been filed.

ABATE of New York Will Oppose:

BILL NO A07098 Summary:

SPONSOR: Markey
COSPONSOR: Millman, Hooper, Galef, Carrozza
MULTISPONSOR: Benedetto, Mayersohn, Robinson, Weisenberg
No same as

Amend S1251, V & T L
Prohibits a person from operating or riding a motorcycle on a public highway, road or street in this state with a child under the age of twelve on such motorcycle.

Oppose A07098: Parental rights would be abrogated to an unacceptable degree

BILL NO A05902 Summary:

SAME AS: No same as
SPONSOR: Ortiz
COSPONSOR: Diaz R, Gordon D, Hooper
MULTISPONSOR: Robinson, Weisenberg
No same as

Add S1198-b, V & T L
Mandates the installation of ignition interlock devices by 2010 for motor vehicles manufactured for use or in this state as well as for second hand motor vehicles sold within the state; mandates all motor vehicles in NYS shall be equipped with such devices by 2011.

Oppose A05902: The fiscal implications could be enormous

BILL NO A06266 Summary:

SAME AS: No same as
SPONSOR: Spano
COSPONSOR: McKevitt
MULTISPONSOR: Crouch, Walker

Amend S398-b, V & T L
Expands the definition of "motor vehicle repair shop" in terms of which shops must register with the DMV.

Oppose A06266: This legislation could make it illegal for anyone to do even minor vehicle maintenance or repairs for friends and family at home.

BILL NO A00197 Summary:

SAME AS: No same as
SPONSOR: Gantt

Amend S381, V & T L
Requires motorcycle user to wear helmets that meet the federal motor vehicle safety standards and which have been impact-tested by the U.S. department of transportation, the commissioner of motor vehicles or by an independent laboratory approved by the commissioner of motor vehicles.

Oppose A00197: This bill is redundant and imposes an unenforceable safety standard on motorcycle helmets.

BILL NO A00199 Summary:

SAME AS: No same as
SPONSOR: Gantt

Amend S381, V & T L

Increases the fine for operating a motorcycle with a muffler that produces excessive or unusual noise from one hundred dollars to seven hundred dollars.

Oppose A00199: Fine is excessive, wording ambiguous.

BILL NO A06428 Summary:

SAME AS: No same as
SPONSOR: Benjamin
MULTISPONSOR: Miller

Amend S165.09, Pen L; add S392-c, V & T L; add S198-c, Gen Bus L

Requires use of event data recorders in motor vehicles to reconstruct accident scenes; requires salesperson to inform purchasers orally and in writing that an event data recorder is on board; makes tampering with, disabling, or removal of such device a misdemeanor; provides for the use of such information in actions or proceedings involving motor vehicle accident or crime scenes.

Oppose A06428: This bill is yet another step toward a "Big Brother" state. Fiscal implications to the state and to the public could add yet another burden to our over - taxed economy.

BILL NO A00498 & S1734 Summary:

SPONSOR: Lafayette
Same as S01734 – SPONSOR: Sabini – COSPONSOR: Diaz, Duane, Gonzalez

Amend S375, V & T L

Provides that motor vehicles manufactured after December 31, 2007 and operated in New York state shall be equipped with an event data recorder.

Oppose A00498 & S1734

BILL NO A02332 Summary:

No same as
SPONSOR: Galef
COSPONSOR: Dinowitz, Townsend, Cymbrowitz, Fields, Alfano, Spano, Hooper
MULTISPONSOR: Barra, Benjamin, Calhoun, Giglio, McKeivitt, Miller, Walker

Add S1212-a, V & T L

Defines offense of driving while ability impaired by fatigue which prohibits driving or using a motor vehicle, motorcycle or other vehicle or any appliance or accessory thereof while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue as to make it unsafe for him or her to begin or continue to operate said motor vehicle; offense constitutes a traffic infraction; provides that if the offense results in death or serious physical injury to any person, then the offense constitutes aggravated driving while ability impaired by fatigue which shall constitute a misdemeanor.

Oppose A02332: This bill is almost identical to **A01234 & S01290** though, with no Senate Companion bill, unlikely to survive