



## Legislation Text

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**File #:** Res 1197-2012, **Version:** \*

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### Res. No. 1197

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would amend the Penal Law to create the crime of staging a motor vehicle accident.

By Council Members Crowley, Comrie, Fidler, James, Lander, Mendez, Nelson, Palma, Recchia, Rodriguez and Halloran

Whereas, In October 2011 the United States Attorney's Office for the Eastern District of New York charged twenty people with engaging in an insurance fraud scheme in Brooklyn by staging motor vehicle accidents and making fraudulent insurance claims; and

Whereas, In September 2011 twelve people were charged with being involved in a similar scheme by the Queens District Attorney; and eight others were similarly charged by the Bronx District Attorney in March 2011; and

Whereas, Insurance fraud based on staged motor vehicle accidents has been on the rise in recent years, increasing by 46 percent from 2007-2009; and

Whereas, New York State has the second highest number of confirmed staged motor vehicle accidents in the country, while New York City has the largest number of such incidents of any American city; and

Whereas, Staged motor vehicle accidents are particularly pernicious, since they increase the death rate associated with motor vehicle accidents, already one of the leading causes of death in the United States; and

Whereas, In addition to endangering public safety, staged motor vehicle accidents also destroy property and are a significant contributor to insurance fraud, costing the industry upwards of \$1 billion per year; and

Whereas, Despite the grave danger and costs associated with this act, staging a motor vehicle accident is currently not a crime under New York State Penal Law, thus requiring law enforcement to find other crimes

with which to charge perpetrators; and

Whereas, The New York State Legislature is currently considering legislation, S.1685-2011 and A.6177-2011, introduced by State Senator James Seward and Assemblyman David Weprin respectively, that would amend the Penal Law to create the felony of staging a motor vehicle accident; and

Whereas, If enacted, this legislation would reduce the incentives for staging motor vehicle accidents and would allow law enforcement to charge perpetrators directly for committing this dangerous act; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would amend the Penal Law to create the crime of staging a motor vehicle accident.

AM  
LS #3003  
01/10/2012