



## Legislation Text

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**File #:** Res 0144-2014, **Version:** \*

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### Res. No. 144

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would make a violation of Hayley and Diego's Law a misdemeanor.

By Council Members Vacca, Mendez, Menchaca, Levin, Rosenthal, Arroyo, Chin, Van Bramer, Vallone and Dromm

Whereas, In 2010, the New York State Legislature passed, and the Governor signed, Hayley and Diego's Law, which makes it a traffic infraction for a driver to injure a pedestrian or bicyclist while failing to "exercise due care"; and

Whereas, A violation of Hayley and Diego's Law is punishable by a fine of up to \$500 (or up to \$750 if the driver causes "serious physical injury") or by imprisonment for up to 15 days or by both such fine and imprisonment; and

Whereas, Hayley and Diego's Law is named after two children who were killed in 2009 in Chinatown in Manhattan when a delivery van that had been left idling and in reverse climbed the curb and hit them; and

Whereas, The driver in question was not charged with any infraction resulting from the children's deaths; and

Whereas, Enforcement of Hayley and Diego's Law has been limited because a police officer needs to witness a traffic infraction in order to issue a summons or make an arrest; and

Whereas, Making violation of Hayley and Diego's Law a misdemeanor would increase the penalties associated with carelessly harming a pedestrian or bicyclist; and

Whereas, The change would also make enforcement easier by allowing a police officer to issue a summons for failing to exercise due care and injuring someone based upon probable cause, even if the officer

was not present to witness the crash; and

Whereas, In the interest of enhancing pedestrian and bicyclist safety, a violation of Hayley and Diego's Law should be a misdemeanor; 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 make a violation of Hayley and Diego's Law a misdemeanor.

LS# 960  
3/5/2014  
JM