



## Legislation Text

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**File #:** Int 0539-2018, **Version:** \*

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Int. No. 539

By Council Member Lancman

A Local Law to amend the administrative code of the city of New York, in relation to due care and the right of way of pedestrians and bicyclists

Be it enacted by the Council as follows:

Section 1. Subdivisions a, b, and c of section 19-190 of the administrative code of the city of New York are amended to read as follows:

a. Except as provided in subdivision b of this section, any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way and fails to exercise due care with consideration given to visibility, illumination, weather conditions, roadway conditions, roadway design, faulty vehicular equipment or design, and whether such pedestrian or person was in violation of any provision of articles 27 or 34 of the vehicle and traffic law at the time of such failure to yield, shall be guilty of a traffic infraction, which shall be punishable by a fine of not more than fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall be subject to a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "motor vehicle" shall have the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

b. [Except as provided in subdivision c of this section, a] Any driver of a motor vehicle who violates subdivision a of this section and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than two hundred fifty dollars, or imprisonment for not more than thirty days or both such fine

and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law.

[c. It shall not be a violation of this section if the failure to yield and/or physical injury was not caused by the driver's failure to exercise due care.]

§ 2. This local law takes effect immediately.

KET/JJ  
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