



Legislation Text

File #: Int 0364-2004, **Version:** A

Int. No. 364-A

By Council Members Vallone Jr., Liu, Weprin, Addabbo, Avella, Comrie, Fidler, Gerson, Katz, Koppell, Monserrate, Nelson, Palma, Sanders, Sears, Gennaro and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for drag racing.

Be it enacted by the Council as follows:

Section One. Legislative findings and intent.

Under the vehicle and traffic law and penal law, those who engage in drag racing may be charged with, among other things, prohibited speed contests and races. However, a person charged with engaging in a prohibited speed contest or race under the vehicle and traffic law only faces up to thirty days in jail and up to a five hundred twenty-five dollar fine for a first offense, and only a jail term of up to six months and a fine of up to seven hundred fifty dollars for the second offense within twelve months of the first offense. This penalty is inadequate, and the City Council finds that engaging in drag racing or actively participating in a drag race, particularly within the congested environs of New York city, warrants an increased penalty.

§ 2. The administrative code of the city of New York is amended by adding a new section 10-163, to read as follows:

§10-163. Speed contests and races.

- a. Except as provided in the vehicle and traffic law, no person shall engage in or participate in any race, exhibition or contest of speed, or aid or abet in such race, exhibition or contest of speed, on any highway, street, alley, sidewalk, or any public or private parking lot or area. Under this subdivision, “engage in” and “participate” shall mean actions or circumstances that reasonably indicate that a race, exhibition or contest

of speed has occurred or is imminent, including, but not limited to, the presence of a canister appearing to hold nitrous oxide attached to a vehicle; an explicit invitation to race; a starting or ending point marked in some way; the wagering on the race's outcome; the operation of a motor vehicle in a manner where the operator, in competition, accelerates at a high rate of speed; the raising of a vehicle vertically; the spinning of the vehicle rapidly in a circle.

- b. No person shall participate as a spectator in any event or gathering held for the purpose of a race, exhibition or contest of speed not authorized pursuant to the vehicle and traffic law. Under this subdivision, "participate" shall mean acts at the scene of a race, exhibition or contest of speed that reasonably appear to support such race, such as wagering on the outcome of the race or actively encouraging the participants to the race, exhibition or contest of speed.
- c. A violation of subdivision a shall constitute a misdemeanor and be punishable by imprisonment of not more than six months or a fine of not more than six hundred dollars, or both such fine and imprisonment. A second violation of subdivision a of this section committed within ten years of a violation of subdivision a of this section shall be punishable upon conviction by imprisonment of not more than one year or a fine of not more than one thousand dollars, or both such fine and imprisonment. A violation of subdivision b shall constitute a violation punishable by imprisonment of up to fifteen days or a fine of not more than two hundred fifty dollars, or both such fine and imprisonment.

§3. This local law shall take effect immediately.