



NEW YORK STATE SENATOR
Martin Malavé Dilan

Senator Dilan-Sponsored Elle's Law Passes Senate

MARTIN MALAVÉ DILAN June 16, 2010

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Measure Increases Penalties on Reckless Drivers Who Injure Pedestrians

“Elle’s Law” Responds to 3-year-old pedestrian struck, injured at Manhattan intersection

Senator Martin Malavé Dilan (D-Brooklyn) recently passed Elle’s Law, an amendment to New York State’s Vehicle and Traffic Law that enacts tougher penalties on motorists who seriously injure pedestrians as a result of dangerous and unlawful driving.

Elle’s Law closes a gap in current law that allows reckless drivers who blatantly disregard the State vehicle and traffic code’s “rules of the road,” unless drugs or alcohol are found to be involved, from evading more serious charges when a pedestrian is injured.

“Traffic laws aren’t recommendations. These laws exist to protect drivers and pedestrians alike. In the case of then-three-year-old Elle, a driver disobeying traffic laws to get a parking spot nearly cost her her life,” said Senator Dilan, Chair of the Senate Transportation Committee. “It cost the driver a summons and fine.”

Under Elle’s Law, a first-time violation results in license suspension for 6 months. A second violation within five years of the first, will result in a one-year suspension of driving privileges.

In 2009, 3-year-old Elle Vandenberghe was crossing a New York City street when a motorist looking for a parking spot backed up a one-way street, through an intersection, and struck her while she was in the crosswalk. Elle suffered permanent brain damage and has limited use of the right side of her body.

Under current law, the driver was cited for a traffic infraction, paid a minimal fine, and was free to get back behind the wheel because alcohol or drugs were not involved.

In 2008 there were over 15,000 pedestrian/motor vehicle accidents in New York. More than half were the direct fault of the motorist and left nearly 5,000 New Yorkers injured. Of those, only two percent were alcohol- or drug-related.

“The reality is roads are used by pedestrians and automobiles alike. Any driver that is speeding, refusing to obey traffic signals or committing other moving violations has to face the facts that their actions pose a serious risk to pedestrians. If they don’t, they face the consequences,” said Senator Dilan.

The bill is sponsored in the Assembly by Assemblymember Micah Kellner (D-Manhattan).