



NEW YORK STATE SENATOR

Rich Funke

Senate passes Funke's "Creto-Kade" Legislation to crack down on drivers who endanger motorcyclists

[RICH FUNKE](#) May 24, 2016

The New York State Senate passed S6748-A, a bill sponsored by Senator Rich Funke to crack down on motorists who endanger motorcyclists, pedestrians and others as a result of reckless or careless driving. The legislation, also known as "Creto-Kade's Law", is dedicated to the memories of Kade O'Brien, who was struck and killed while riding his motorcycle on April 11, 2011 in Pittsford, NY, and David (Creto) Sherry, who was struck and killed while riding his motorcycle on July 11, 2014 in Guilderland, NY. The bill passed the Senate with bipartisan support.

"I continue to be awed by the commitment that Ed O'Brien and supporters of Creto-Kade's law have poured into its advocacy, and I'm honored to have played a part in passing this bill in Kade's memory," said Funke. "Through stricter penalties, we hope to send a strong message that it's on all of us to be safe and attentive drivers on the road, because no life is worth only a \$35 fine. On behalf of the O'Brien family and Creto-Kade's passionate supporters, I hope to see this bill pass the Assembly and be signed into law by the Governor as soon as possible."

"Following the loss of my son Kade, a U.S. Marine Sergeant, in an accident that happened because a driver didn't yield the right of way, I pushed to get all motorcyclists the

protections they deserve in his memory,” said Ed O’Brien of Honeoye Falls. “After he took office, I worked with Senator Funke to craft legislation that would crack-down on those who put our sons and daughters on motorcycles in harm’s way. Today I am proud the Senate passed his bill to hike penalties for these drivers on the first offense, the first of its kind to pass in NY. Now I hope to see it clear the Assembly and be signed-into law in memory of Kade.”

Under existing state law, there is no serious penalty for committing a moving violation that results in the death or serious bodily injury of another person, unless the violation is considered Vehicular Manslaughter or falls under a separate offense, such as driving under the influence or driving with a revoked/suspended license. Following the accident that killed O’Brien, the offending driver was found to be responsible and charged with failure to yield the right of way. However, the driver was ordered to pay only a \$35 fine, the minimum penalty applicable under the charge.

Creto-Kade’s Law would ensure a misdemeanor charge against any driver who disobeys traffic law and causes serious bodily injury or death to another person, while carrying a punishment of 30 days in jail and/or a minimum fine of \$300. The offending driver would also be mandated to complete an accident prevention course through the New York State Department of Motor Vehicles and provide proof of satisfactory completion to the presiding Judge, or face additional sanctions.

Creto-Kade’s Law is also carried in the Assembly by Assemblyman Fred W. Thiele, Jr. (I-D-WF, Sag Harbor), where it was most recently referred to the Committee on Transportation.