



NEW YORK STATE SENATOR

Rich Funke

Funke: Senate Again Passed Creto-Kade's Law, Now Assembly Must Act

RICH FUNKE March 9, 2017

The New York State Senate this week passed [S1670](#), a bill sponsored by Senator **Rich Funke** to crack down on motorists who endanger motorcyclists, pedestrians and others due to careless driving. The legislation, 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 with bipartisan support.

*“I’m honored to have played a part in passing this bill again in Kade’s memory,” said **Funke**. “We hope to send a strong message that we must all 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 the Creto-Kade Law’s passionate supporters, I am calling on the Assembly to pass this bill without delay.”*

*“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. “I am proud the Senate again passed this bill to hike penalties on the first offense for those who put our sons and daughters on motorcycles in harm’s way. Now*

I hope to see it pass the Assembly and be signed-into law by the Governor 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.

The bill has been sent to the Assembly.

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VIDEO: www.youtube.com/watch?v=NI3MhKXXwZM&feature=youtu.be