

RECKLESS DRIVING
(Unclassified Misdemeanor)
VEHICLE & TRAFFIC LAW 1212
(Committed on or after Nov. 1, 1988)
(Revised May 5, 2009 and January, 2013)¹

The _____ count is Reckless Driving.

Under our law, a person is guilty of RECKLESS DRIVING when that person drives or uses any motor vehicle,² in a manner which unreasonably interferes with the free and proper use of a public highway, road, street, or avenue, or unreasonably endangers users of a public highway, road, street, or avenue.³

Add if appropriate:

[Intoxication, absent more, does not establish reckless driving. One can engage in reckless driving without being intoxicated and, conversely, one can drive while intoxicated without engaging in reckless driving. Evidence of an individual's intoxication and how that condition may have affected his or her ability to perceive and react to risks commonly encountered while operating a motor vehicle on a public highway may be relevant to prove reckless driving when that evidence is coupled with

¹ The 2009 revision consisted of making the charge more concise. Some of the vehicle and roadway terms listed in the statute have been removed, and should be inserted if applicable.

The 2013 revision was for the purpose of inserting the law as applied to a reckless driving charge where the driver is also alleged to have been intoxicated. See footnote 4 and the text thereto.

² The statute continues with “motorcycle or any other vehicle propelled by any power other than muscular power or any appliance or accessory thereof.” (*Vehicle & Traffic Law § 1212*). Such language has been omitted here due to the statutory inclusion of the all encompassing term “motor vehicle.” The additional statutory language should be inserted if the type of vehicle is at issue.

³ Vehicle & Traffic Law § 134 defines “public highway” as “[a]ny highway, road, street, avenue, alley, public place, public driveway or any other public way.” Here the most common terms are included in the definition of the crime. The definition of the crime should be tailored as necessary.

evidence of the manner in which the motor vehicle was being operated.⁴]

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, both of the following elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), operated a motor vehicle; and
2. That the defendant did so in a manner which unreasonably interfered with the free and proper use of the public highway, or unreasonably endangered users of the public highway.

Therefore, if you find that the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of the crime of Reckless Driving as charged in the ____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of the crime of Reckless Driving as charged in the ____ count.

⁴ *People v Goldblatt*, 98 AD3d 817 (3d Dept 2012) reargument granted on whether the question presented was preserved as a matter of law.