

6625

I N   S E N A T E

February 19, 2014

---

Introduced by Sens. FARLEY, MARCHIONE -- read twice and ordered printed,  
and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the establishment of standards for the permanent revocation of a license or operating privileges for persistent vehicle and traffic law offenders

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 510 of the vehicle and traffic law is amended by  
2     adding a new subdivision 12 to read as follows:  
3     12. A. THE COMMISSIONER SHALL ESTABLISH BY RULE, STANDARDS FOR THE  
4     PERMANENT REVOCATION OF DRIVING PRIVILEGES FOR OPERATORS WHO HAVE BEEN  
5     DEEMED TO HAVE ACCUMULATED AN UNACCEPTABLE NUMBER OF SERIOUS MOTOR VEHICLE  
6     OFFENSES WITHIN ESTABLISHED TIME FRAMES WHICH SHALL BE CALCULATED IN  
7     INCREMENTS OF NOT LESS THAN FIVE YEARS. THE TERM "SERIOUS MOTOR VEHICLE  
8     OFFENSE" SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:  
9     (I) A CONVICTION FOR VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OR  
10    SECTION ELEVEN HUNDRED NINETY-TWO-A OF THIS CHAPTER AND ANY VIOLATION OF  
11    ARTICLE THIRTY-ONE OF THIS CHAPTER FOR WHICH REVOCATION OR SUSPENSION OF  
12    A LICENSE OR OPERATING PRIVILEGES IS MANDATORY, INCLUDING FAILURE TO  
13    SUBMIT TO A CHEMICAL TEST PURSUANT TO SECTION ELEVEN HUNDRED NINETY-FOUR  
14    OF THIS CHAPTER;  
15    (II) A CONVICTION FOR A FELONY, CLASS A OR UNCLASSIFIED MISDEMEANOR  
16    SET FORTH IN THIS CHAPTER INVOLVING THE OPERATION OF A MOTOR VEHICLE,  
17    EXCEPT FOR THE PROVISIONS OF SUBDIVISION ONE OF SECTION FIVE HUNDRED  
18    ELEVEN OF THIS ARTICLE;  
19    (III) A CONVICTION FOR A VIOLATION OF SECTION FIVE HUNDRED ELEVEN-D OF  
20    THIS ARTICLE;  
21    (IV) CONVICTION OF ANY VIOLATION FOR WHICH REVOCATION OR SUSPENSION OF  
22    A LICENSE OR DRIVING PRIVILEGES IS MANDATORY PURSUANT TO THIS CHAPTER;  
23    (V) CONVICTION FOR A VIOLATION OF ANY PROVISION OF ARTICLE ONE HUNDRED  
24    TWENTY OR ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW INVOLVING THE  
25    OPERATION OF A MOTOR VEHICLE; AND  
26    (VI) ANY OTHER VIOLATION DESIGNATED BY THE COMMISSIONER TO BE A SERI-  
27    OUS MOTOR VEHICLE OFFENSE, PURSUANT TO ADOPTION BY RULE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD07897-03-4

1 B. THE RULE FOR ADOPTION OF THE STANDARDS SET FORTH IN PARAGRAPH A OF  
2 THIS SUBDIVISION SHALL INCLUDE THE ESTABLISHMENT OF CRITERIA FOR A  
3 SINGLE OPPORTUNITY FOR RESTORATION OF A RESTRICTED LICENSE OR OPERATING  
4 PRIVILEGES AFTER A PERIOD OF NOT LESS THAN FIVE YEARS FROM THE DATE OF  
5 THE IMPOSITION OF A PERMANENT REVOCATION AND FULL OPERATING PRIVILEGES  
6 AFTER A PERIOD OF NOT LESS THAN TEN YEARS. SUCH CRITERIA SHALL, AT MINI-  
7 MUM, REQUIRE THE ABSENCE OF: (I) ANY VIOLATION OF ARTICLE THIRTY-ONE OF  
8 THIS CHAPTER, INCLUDING FAILURE TO SUBMIT TO A CHEMICAL TEST PURSUANT TO  
9 SECTION ELEVEN HUNDRED NINETY-FOUR OF THIS CHAPTER; (II) ANY VIOLATION  
10 OF SECTION FIVE HUNDRED ELEVEN OF THIS ARTICLE; (III) ANY VIOLATION OF  
11 ARTICLE ONE HUNDRED TWENTY OR ARTICLE ONE HUNDRED TWENTY-FIVE OF THE  
12 PENAL LAW INVOLVING THE OPERATION OF A MOTOR VEHICLE; OR (IV) ANY  
13 VIOLATION OF THIS CHAPTER RESULTING IN PERSONAL INJURY TO A THIRD PARTY;  
14 AND SHALL CONSIDER FAIRNESS, REHABILITATIVE EFFORT AND PUBLIC SAFETY IN  
15 THE ESTABLISHMENT OF SUCH CRITERIA. IN ADDITION TO THE REQUIREMENTS SET  
16 FORTH IN THIS PARAGRAPH, ANY SUCH RULE SHALL NOT BE INCONSISTENT WITH  
17 THE PROVISIONS OF CLAUSE (B) OF SUBPARAGRAPH TWELVE OF PARAGRAPH (B) OF  
18 SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-THREE OF THIS CHAPTER  
19 RELATED TO PERMANENT REVOCATION FOR MULTIPLE ALCOHOL-RELATED OFFENSES.

20 S 2. Subparagraph (iii) of paragraph (a) of subdivision 3 of section  
21 511 of the vehicle and traffic law, as amended by chapter 169 of the  
22 laws of 2013, is amended to read as follows:

23 (iii) commits the offense of aggravated unlicensed operation of a  
24 motor vehicle in the third degree as defined in subdivision one of this  
25 section; and is operating a motor vehicle while under permanent revoca-  
26 tion as set forth in subparagraph twelve of paragraph (b) of subdivision  
27 two of section eleven hundred ninety-three of this chapter OR PURSUANT  
28 TO RULE OF THE COMMISSIONER AS AUTHORIZED BY SUBDIVISION TWELVE OF  
29 SECTION FIVE HUNDRED TEN OF THIS ARTICLE; or

30 S 3. This act shall take effect immediately.