S T A T E O F N E W Y O R K

5032

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, CANESTRARI, DelMONTE, CUSICK, GALEF, HOYT -- Multi-Sponsored by -- M. of A. COLTON, CYMBROWITZ, KOON, LATIMER, TOWNS, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the penal law, in relation to suspension of a driver's license for theft of motor fuel

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

Section 1. Paragraph k of subdivision 3 of section 510 of the vehicle and traffic law, as amended by chapter 124 of the laws of 1992, is amended and two new paragraphs l and m are added to read as follows:

k. for a period of up to ninety days because of the conviction of the holder of the offenses of menacing as defined in section 120.15 of the penal law, where such offense was committed against a traffic enforcement agent employed by the city of New York or the city of Buffalo while such agent was enforcing or attempting to enforce the traffic regulations of such city[.];

L. FOR A PERIOD OF UP TO NINETY DAYS WHERE THE HOLDER IS CONVICTED OF THEFT OF MOTOR FUEL PURSUANT TO SECTION 155.25 OF THE PENAL LAW;

M. FOR A PERIOD OF SIX MONTHS WHERE THE HOLDER IS CONVICTED OF THEFT OF MOTOR FUEL PURSUANT TO SECTION 155.25 OF THE PENAL LAW, HAVING PREVIOUSLY BEEN CONVICTED OF THEFT OF MOTOR FUEL.

S 2. The penal law is amended by adding a new section 60.21 to read as follows:

S 60.21 AUTHORIZED DISPOSITIONS; PETIT LARCENY.

1. WHEN A PERSON IS CONVICTED OF AN OFFENSE AS DEFINED IN SECTION 155.25 OF THIS CHAPTER, AND THE PROPERTY STOLEN CONSISTS IN WHOLE OR IN PART OF MOTOR FUEL, IN ADDITION TO ANY OTHER PENALTY PERMITTED BY LAW, THE COURT MAY IMPOSE AS A SENTENCE A SUSPENSION OF THE PERSON'S DRIVER'S LICENSE, AS DEFINED IN ARTICLE TWENTY OF THE VEHICLE AND TRAFFIC LAW, FOR A PERIOD OF UP TO NINETY DAYS; OR IF SUCH PERSON HAS PREVIOUSLY BEEN

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

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CONVICTED OF THE OFFENSE OF THEFT OF PROPERTY CONSISTING IN WHOLE OR IN PART OF MOTOR FUEL, FOR A PERIOD OF SIX MONTHS.

2. THE COURT OR CLERK THEREOF SHALL, WITHIN TEN DAYS OF THE IMPOSITION OF A SENTENCE OF SUSPENSION OF A DRIVER'S LICENSE PURSUANT TO THIS SECTION, NOTIFY THE COMMISSIONER OF MOTOR VEHICLES IN A MANNER AND FORM PRESCRIBED BY SUCH COMMISSIONER.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.