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

891

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH, KOLB -- Multi-Sponsored by -- M. of A. BARCLAY, BURLING, CROUCH, FINCH, OAKS, SAYWARD, THIELE, TOWNSEND -- 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. Legislative findings. The legislature hereby finds that the incidence of motorists filling their tanks and driving off without paying poses a danger to other motorists and subjects the retailers to thousands of dollars a year in lost revenues. The legislature further finds that the increased penalties for such thefts will provide necessary deterrents to such conduct.

S 2. Paragraph b of subdivision 2 of section 510 of the vehicle and traffic law is amended by adding a new subparagraph (xvi) to read as follows:

(XVI) FOR A PERIOD OF ONE YEAR WHERE THE HOLDER IS CONVICTED OF THEFT OF MOTOR FUEL PURSUANT TO SECTION 155.25 OF THE PENAL LAW.

S 3. 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 ONE YEAR.

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

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

LBD01526-01-9

SECTION, NOTIFY THE COMMISSIONER OF MOTOR VEHICLES IN A MANNER AND FORM PRESCRIBED BY SUCH COMMISSIONER.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.