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

5284

2011-2012 Regular Sessions

I N A S S E M B L Y

February 15, 2011

Introduced by M. of A. HOOPER, WEPRIN -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to prohibiting passengers under the age of eighteen in a car with a driver having a class DJ or MJ learner's permit or license unless the passengers are related, increasing the suspension period for drivers having a class DJ or MJ learner's permit or license from 60 to 180 days and instituting fines against parents who knowingly let their children operate a vehicle outside the prescribed limitations for the class DJ or MJ learner's permit or license

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

Section 1. Section 501-b of the vehicle and traffic law, as added by chapter 644 of the laws of 2002, paragraphs (c) and (d) of subdivision 1 and paragraph (b) of subdivision 2 as amended by chapter 403 of the laws of 2009, is amended to read as follows:

S 501-b. Additional restrictions on certain learners' permits and drivers' licenses. 1. In addition to the restrictions contained in subdivision five of section five hundred one of this article, no holder of a class DJ or class MJ learner's permit shall:

(a) operate a motor vehicle with any front seat occupants other than the supervising driver;

(b) operate a motor vehicle unless every occupant of such vehicle is properly restrained by a safety belt or child safety seat in accordance with the provisions of subdivision three-a of section twelve hundred twenty-nine-c of this chapter;

(c) operate a motor vehicle with more than one passenger who is under the age of twenty-one and who is not a member of such holder's immediate family, provided, however, that the provisions of this paragraph shall not apply when such holder is accompanied by a duly licensed parent,

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

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guardian, person in a position of loco parentis, driver education teacher or driving school instructor;

(d) OPERATE A MOTOR VEHICLE WITH NO PASSENGERS WHO ARE UNDER THE AGE OF EIGHTEEN AND WHO ARE NOT MEMBERS OF SUCH HOLDER'S IMMEDIATE FAMILY, PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY WHEN SUCH HOLDER IS ACCOMPANIED BY A DULY LICENSED PARENT, GUARDIAN, PERSON IN A POSITION OF LOCO PARENTIS, DRIVER EDUCATION TEACHER OR DRIVING SCHOOL INSTRUCTOR;

(E) be eligible for issuance of a class DJ, MJ, D or M license unless such permit has been valid for at least six months. Any time period in which such class DJ or MJ learner's permit has been suspended or revoked shall not be counted in determining the length of time that such learner's permit has been valid.

2. In addition to the restrictions contained in subdivision three of section five hundred one of this article, no holder of a class DJ or class MJ license shall operate a motor vehicle:

(a) unless every occupant of such vehicle is properly restrained by a safety belt or child safety seat in accordance with the provisions of subdivision three-a of section twelve hundred twenty-nine-c of this chapter; and

(b) with more than one passenger who is under the age of twenty-one and who is not a member of such holder's immediate family, provided, however, that the provisions of this paragraph shall not apply when such holder is accompanied by a duly licensed parent, guardian, person in a position of loco parentis, driver education teacher or driving school instructor[.]; AND

(C) WITH NO PASSENGERS WHO ARE UNDER THE AGE OF EIGHTEEN AND WHO ARE NOT MEMBERS OF SUCH HOLDER'S IMMEDIATE FAMILY, PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY WHEN SUCH HOLDER IS ACCOMPANIED BY A DULY LICENSED PARENT, GUARDIAN, PERSON IN A POSITION OF LOCO PARENTIS, DRIVER EDUCATION TEACHER OR DRIVING SCHOOL INSTRUCTOR.

S 2. The opening paragraph of paragraph (a) and paragraph (b) of subdivision 1 of section 510-c of the vehicle and traffic law, as amended by chapter 403 of the laws of 2009, are amended to read as follows:

A learner's permit or a driver's license shall be suspended for a period of [sixty] ONE HUNDRED EIGHTY days:

(b) A learner's permit or a driver's license shall be revoked for a period of [sixty] ONE HUNDRED EIGHTY days upon the conviction or finding of the permit or license holder of a violation or violations, committed within six months after the restoration of such permit or license suspended pursuant to paragraph (a) of this subdivision, which convictions or findings would result in the suspension of such permit or license pursuant to paragraph (a) of this subdivision.

S 3. Section 1212 of the vehicle and traffic law, as added by chapter 47 of the laws of 1988, is amended to read as follows:

S 1212. Reckless driving. Reckless driving shall mean driving or using any motor vehicle, motorcycle or any other vehicle propelled by any power other than muscular power or any appliance or accessory thereof in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway. Reckless driving is prohibited. [Every person] PERSONS violating this provision shall be guilty of a misdemeanor.

ANY PERSON HOLDING A CLASS DJ OR CLASS MJ LEARNER'S PERMIT OR LICENSE OR LIMITED CLASS DJ OR CLASS MJ LICENSE WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A CLASS E FELONY.

S 4. The vehicle and traffic law is amended by adding a new section 510-d to read as follows:

S 510-D. KNOWINGLY OPERATING OUTSIDE OF LIMITATIONS ON CLASS DJ OR CLASS MJ LEARNER'S PERMITS OR DRIVER'S LICENSES; PARENTS. ANY PARENT WHO KNOWINGLY ALLOWS A CHILD TO OPERATE A VEHICLE OUTSIDE THE PRESCRIBED LIMITATIONS OF SUCH CHILD'S LICENSE CLASSIFICATION SHALL BE SUBJECT TO A FINE OF NOT LESS THAN TWO THOUSAND DOLLARS.

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.