

8934--B

I N   A S S E M B L Y

(PREFILED)

January 4, 2012

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Introduced by M. of A. TEDISCO -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to enacting "Charlotte's Law" relating to the termination of driving privileges of persistent vehicle and traffic law violators

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

1     Section 1. This act shall be known and may be cited as "Charlotte's  
2     Law".

3     S 2. The article heading of article 20 of the vehicle and traffic law  
4     is amended to read as follows:

5                               SUSPENSION [AND], REVOCATION AND  
6                               TERMINATION

7     S 3. The vehicle and traffic law is amended by adding a new section  
8     510-d to read as follows:

9     S 510-D. TERMINATION OF DRIVING PRIVILEGES OF PERSISTENT VEHICLE AND  
10    TRAFFIC LAW VIOLATORS. 1. DEFINITION OF PERSISTENT VEHICLE AND TRAFFIC  
11    LAW VIOLATOR. A PERSON IS A PERSISTENT VEHICLE AND TRAFFIC LAW VIOLATOR  
12    IF SUCH PERSON HAS BEEN CONVICTED THREE TIMES, WITHIN THE PRECEDING  
13    TWENTY-FIVE YEARS, OF ANY COMBINATION OF THE FOLLOWING OFFENSES:

14    (A) ANY OFFENSES DEFINED IN SECTION ELEVEN HUNDRED NINETY-TWO OF THIS  
15    CHAPTER; OR

16    (B) ANY OFFENSE DEFINED IN SECTION ELEVEN HUNDRED NINETY-TWO-A OF THIS  
17    CHAPTER; OR

18    (C) ANY VIOLATION OF SUBDIVISION (B) OR (C) OF SECTION ELEVEN HUNDRED  
19    FORTY-SIX OF THIS CHAPTER; OR

20    (D) VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE AS DEFINED IN SECTION  
21    125.12 OF THE PENAL LAW, VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE AS

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

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1 DEFINED IN SECTION 125.13 OF THE PENAL LAW, OR AGGRAVATED VEHICULAR  
2 HOMICIDE AS DEFINED IN SECTION 125.14 OF THE PENAL LAW; OR

3 (E) MANSLAUGHTER IN THE SECOND DEGREE AS DEFINED IN SUBDIVISION ONE OF  
4 SECTION 125.15 OF THE PENAL LAW, OR MANSLAUGHTER IN THE FIRST DEGREE AS  
5 DEFINED BY SUBDIVISION ONE OF SECTION 125.20 OF THE PENAL LAW, IN WHICH  
6 THE DEATH WAS CAUSED BY AN OFFENDER'S OPERATION OF A MOTOR VEHICLE IN  
7 VIOLATION OF THE PROVISIONS OF THIS CHAPTER.

8 2. PERSISTENT VEHICLE AND TRAFFIC LAW VIOLATOR LICENSES AND DRIVING  
9 PRIVILEGES SHALL BE PERMANENTLY TERMINATED, INCLUDING THE DRIVING PRIVI-  
10 LEGES OF A NON-RESIDENT OPERATING A MOTOR VEHICLE IN THIS STATE AND THE  
11 PRIVILEGE OF AN UNLICENSED PERSON OF OBTAINING A LICENSE ISSUED BY THE  
12 COMMISSIONER.

13 3. THE JUDGE SHALL ISSUE AN ORDER REVOKING AND TERMINATING SUCH  
14 LICENSE UPON CONVICTION, AND THE LICENSE HOLDER SHALL SURRENDER SUCH  
15 LICENSE TO THE COURT.

16 4. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE COURT FROM  
17 IMPOSING ANY OTHER AUTHORIZED DISPOSITION AND NOTHING CONTAINED IN THIS  
18 SECTION SHALL PROHIBIT THE IMPOSITION OF A CHARGE OF ANY OTHER OFFENSE  
19 SET FORTH IN THIS CHAPTER OR ANY OTHER PROVISION OF LAW FOR ANY ACTS  
20 ARISING OUT OF THE SAME INCIDENT.

21 S 4. Subdivision (e) of section 1146 of the vehicle and traffic law is  
22 relettered subdivision (f) and a new subdivision (e) is added to read as  
23 follows:

24 (E) A VIOLATION OF SUBDIVISION (B) OR (C) OF THIS SECTION COMMITTED BY  
25 A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF ANY TWO VIOLATIONS OF  
26 EITHER OR BOTH OF SUCH SUBDIVISIONS WITHIN THE PRECEDING TWENTY-FIVE  
27 YEARS SHALL CONSTITUTE A CLASS E FELONY PUNISHABLE BY A FINE OF NOT MORE  
28 THAN THREE THOUSAND DOLLARS, OR BY IMPRISONMENT AS PROVIDED BY THE PENAL  
29 LAW OR BY ANY COMBINATION OF SUCH FINE OR IMPRISONMENT, AND BY PERMANENT  
30 TERMINATION OF DRIVING PRIVILEGES, IN ADDITION TO ANY OTHER PENALTIES  
31 PROVIDED BY LAW.

32 S 5. Subdivision 3 of section 511 of the vehicle and traffic law, as  
33 amended by chapter 420 of the laws of 1989, paragraph (a) as amended by  
34 chapter 732 of the laws of 2006, subparagraph (iii) of paragraph (a) as  
35 amended by chapter 746 of the laws of 2006, and paragraph (b) as sepa-  
36 rately amended by chapters 786 and 892 of the laws of 1990, is amended  
37 to read as follows:

38 3. Aggravated unlicensed operation of a motor vehicle in the first  
39 degree. (a) A person is guilty of the offense of aggravated unlicensed  
40 operation of a motor vehicle in the first degree when such person: (i)  
41 commits the offense of aggravated unlicensed operation of a motor vehi-  
42 cle in the second degree as provided in subparagraph (ii), (iii) or (iv)  
43 of paragraph (a) of subdivision two of this section and is operating a  
44 motor vehicle while under the influence of alcohol or a drug in  
45 violation of subdivision one, two, two-a, three, four, four-a or five of  
46 section eleven hundred ninety-two of this chapter; or

47 (ii) commits the offense of aggravated unlicensed operation of a motor  
48 vehicle in the third degree as defined in subdivision one of this  
49 section; and is operating a motor vehicle while such person has in  
50 effect [ten] SIX or more suspensions, imposed on at least [ten] SIX  
51 separate dates for failure to answer, appear or pay a fine, pursuant to  
52 subdivision three of section two hundred twenty-six of this chapter or  
53 subdivision four-a of section five hundred ten of this article; or

54 (iii) commits the offense of aggravated unlicensed operation of a  
55 motor vehicle in the third degree as defined in subdivision one of this  
56 section; and is operating a motor vehicle while under permanent revoca-

tion as set forth in subparagraph twelve of paragraph (b) of subdivision two of section eleven hundred ninety-three of this chapter; OR

(IV) OPERATES A MOTOR VEHICLE WHILE UNDER PERMANENT TERMINATION AS SET FORTH IN SECTION FIVE HUNDRED TEN-D OF THIS ARTICLE.

(b) Aggravated unlicensed operation of a motor vehicle in the first degree is a class E felony. When a person is convicted of this crime, the sentence of the court must be: (i) a fine in an amount not less than five hundred dollars nor more than five thousand dollars; (II) PERMANENT TERMINATION AS SET FORTH IN SUBPARAGRAPH TWELVE OF PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-THREE OF THIS CHAPTER and [(ii)] (III) a term of imprisonment as provided in the penal law, or [(iii)] (IV) where appropriate and a term of imprisonment is not required by the penal law, a sentence of probation as provided in subdivision six of this section, or [(iv)] (V) a term of imprisonment as a condition of a sentence of probation as provided in the penal law.

S 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.