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

10341

I N A S S E M B L Y

May 23, 2012

Introduced by M. of A. TEDISCO -- read once and referred 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:

Section 1. Section 510 of the vehicle and traffic law is hereby amended by adding a new subdivision 12 to read as follows:

12. A. THE COMMISSIONER SHALL ESTABLISH BY RULE, STANDARDS FOR THE PERMANENT REVOCATION OF DRIVING PRIVILEGES FOR OPERATORS WHO HAVE BEEN DEEMED TO HAVE ACCUMULATED AN UNACCEPTABLE NUMBER OF SERIOUS MOTOR VEHICLE OFFENSES WITHIN ESTABLISHED TIME FRAMES WHICH SHALL BE CALCULATED IN INCREMENTS OF NOT LESS THAN FIVE YEARS. THE TERM "SERIOUS MOTOR VEHICLE OFFENSE" SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:

(I) A CONVICTION FOR VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OR SECTION ELEVEN HUNDRED NINETY-TWO-A OF THIS CHAPTER AND ANY VIOLATION OF ARTICLE THIRTY-ONE OF THIS CHAPTER FOR WHICH REVOCATION OR SUSPENSION OF A LICENSE OR OPERATING PRIVILEGES IS MANDATORY, INCLUDING FAILURE TO SUBMIT TO A CHEMICAL TEST PURSUANT TO SECTION ELEVEN HUNDRED NINETY-FOUR OF THIS CHAPTER;

(II) A CONVICTION FOR A FELONY, CLASS A OR UNCLASSIFIED MISDEMEANOR SET FORTH IN THIS CHAPTER INVOLVING THE OPERATION OF A MOTOR VEHICLE, EXCEPT FOR THE PROVISIONS OF SUBDIVISION ONE OF SECTION FIVE HUNDRED ELEVEN OF THIS ARTICLE;

(III) A CONVICTION FOR A VIOLATION OF SECTION FIVE HUNDRED ELEVEN-D OF THIS ARTICLE;

(IV) CONVICTION OF ANY VIOLATION FOR WHICH REVOCATION OR SUSPENSION OF A LICENSE OR DRIVING PRIVILEGES IS MANDATORY PURSUANT TO THIS CHAPTER;

(V) CONVICTION FOR A VIOLATION OF ANY PROVISION OF ARTICLE ONE HUNDRED TWENTY OR ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW INVOLVING THE OPERATION OF A MOTOR VEHICLE; AND

(VI) ANY OTHER VIOLATION DESIGNATED BY THE COMMISSIONER TO BE A SERIOUS MOTOR VEHICLE OFFENSE, PURSUANT TO ADOPTION BY RULE.

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

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

S 2. Subparagraph (iii) of paragraph (a) of subdivision 3 of section 511 of the vehicle and traffic law, as amended by chapter 746 of the laws of 2006, is amended to read as follows:

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

S 3. This act shall take effect immediately.