

8934

I N A S S E M B L Y

(PREFILED)

January 4, 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 termination of driving privileges

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

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 510-d to read as follows:

3 S 510-D. PERMANENT REVOCATION OF LICENSE OF PERSISTENT VEHICLE AND  
4 TRAFFIC LAW VIOLATORS. 1. DEFINITION OF PERSISTENT VEHICLE AND TRAFFIC  
5 LAW VIOLATOR. A PERSON IS A PERSISTENT VEHICLE AND TRAFFIC LAW VIOLATOR  
6 IF SUCH PERSON HAS BEEN CONVICTED THREE TIMES, WITHIN THE PRECEDING  
7 TWENTY-FIVE YEARS, OF ANY COMBINATION OF THE FOLLOWING OFFENSES:

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

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

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

14 (D) VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE AS DEFINED IN SECTION  
15 125.12 OF THE PENAL LAW, VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE AS  
16 DEFINED IN SECTION 125.13 OF THE PENAL LAW, OR AGGRAVATED VEHICULAR  
17 HOMICIDE AS DEFINED IN SECTION 125.14 OF THE PENAL LAW; OR

18 (E) MANSLAUGHTER IN THE SECOND DEGREE AS DEFINED IN SUBDIVISION ONE OF  
19 SECTION ONE OF SECTION 125.15 OF THE PENAL LAW, OR MANSLAUGHTER IN THE  
20 FIRST DEGREE AS DEFINED BY SUBDIVISION ONE OF SECTION 125.20 OF THE  
21 PENAL LAW, IN WHICH THE DEATH WAS CAUSED BY AN OFFENDER'S OPERATION OF A  
22 MOTOR VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER; OR

23 (F) FIVE OR MORE VIOLATIONS OF THE PROVISIONS OF THIS CHAPTER, WHICH  
24 ARE ASSIGNED A POINT VALUE OF AT LEAST THREE POINTS PURSUANT TO 15NYCRR  
25 131.3, WITHIN A FIVE YEAR PERIOD.

26 2. PERSISTENT VEHICLE AND TRAFFIC LAW VIOLATIONS LICENSES AND DRIVING  
27 PRIVILEGES SHALL BE PERMANENTLY REVOKED, INCLUDING THE DRIVING PRIVI-

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

1 LEGES OF A NON-RESIDENT OPERATING A MOTOR VEHICLE IN THIS STATE AND THE  
2 PRIVILEGE OF AN UNLICENSED PERSON OF OBTAINING A LICENSE ISSUED BY THE  
3 COMMISSIONER.

4 3. THE JUDGE SHALL ISSUE AN ORDER REVOKING SUCH LICENSE UPON  
5 CONVICTION, AND THE LICENSE HOLDER SHALL SURRENDER SUCH LICENSE TO THE  
6 COURT.

7 4. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE COURT FROM  
8 IMPOSING ANY OTHER AUTHORIZED DISPOSITION AND NOTHING CONTAINED IN THIS  
9 SECTION SHALL PROHIBIT THE IMPOSITION OF A CHARGE OF ANY OTHER OFFENSE  
10 SET FORTH IN THIS CHAPTER OR ANY OTHER PROVISION OF LAW FOR ANY ACTS  
11 ARISING OUT OF THE SAME INCIDENT.

12 S 2. Subdivision (e) of section 1146 of the vehicle and traffic law is  
13 relettered subdivision (f) and a new subdivision (e) is added to read as  
14 follows:

15 (E) A VIOLATION OF SUBDIVISION (B) OR (C) OF THIS SECTION COMMITTED BY  
16 A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF ANY TWO VIOLATIONS OF  
17 EITHER OR BOTH OF SUCH SUBDIVISIONS WITHIN THE PRECEDING TWENTY-FIVE  
18 YEARS SHALL CONSTITUTE A CLASS E FELONY PUNISHABLE BY A FINE OF NOT MORE  
19 THAN THREE THOUSAND DOLLARS, OR BY IMPRISONMENT AS PROVIDED BY THE PENAL  
20 LAW OR BY ANY COMBINATION OF SUCH FINE OR IMPRISONMENT, AND BY PERMANENT  
21 REVOCATION OF DRIVING PRIVILEGES, IN ADDITION TO ANY OTHER PENALTIES  
22 PROVIDED BY LAW.

23 S 3. Subdivision 3 of section 511 of the vehicle and traffic law, as  
24 amended by chapter 420 of the laws of 1989, paragraph (a) as amended by  
25 chapter 732 of the laws of 2006, subparagraph (iii) of paragraph (a) as  
26 amended by chapter 746 of the laws of 2006, and paragraph (b) as sepa-  
27 rately amended by chapters 786 and 892 of the laws of 1990, is amended  
28 to read as follows:

29 3. Aggravated unlicensed operation of a motor vehicle in the first  
30 degree. (a) A person is guilty of the offense of aggravated unlicensed  
31 operation of a motor vehicle in the first degree when such person: (i)  
32 commits the offense of aggravated unlicensed operation of a motor vehi-  
33 cle in the second degree as provided in subparagraph (ii), (iii) or (iv)  
34 of paragraph (a) of subdivision two of this section and is operating a  
35 motor vehicle while under the influence of alcohol or a drug in  
36 violation of subdivision one, two, two-a, three, four, four-a or five of  
37 section eleven hundred ninety-two of this chapter; or

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

45 (iii) commits the offense of aggravated unlicensed operation of a  
46 motor vehicle in the third degree as defined in subdivision one of this  
47 section; and is operating a motor vehicle while under permanent revoca-  
48 tion as set forth in subparagraph twelve of paragraph (b) of subdivision  
49 two of section eleven hundred ninety-three of this chapter; OR

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

52 (b) Aggravated unlicensed operation of a motor vehicle in the first  
53 degree is a class E felony. When a person is convicted of this crime,  
54 the sentence of the court must be: (i) a fine in an amount not less than  
55 five hundred dollars nor more than five thousand dollars; (II) PERMANENT  
56 REVOCATION, AS SET FORTH IN SUBPARAGRAPH TWELVE OF PARAGRAPH (B) OF

1 SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-THREE OF THIS CHAPTER  
2 and [(ii)] (III) a term of imprisonment as provided in the penal law, or  
3 [(iii)] (IV) where appropriate and a term of imprisonment is not  
4 required by the penal law, a sentence of probation as provided in subdi-  
5 vision six of this section, or [(iv)] (V) a term of imprisonment as a  
6 condition of a sentence of probation as provided in the penal law.  
7 S 4. This act shall take effect on the first of November next succeed-  
8 ing the date on which it shall have become a law.