

8934--A

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 -- committee discharged, bill amended, 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
22 DEFINED IN SECTION 125.13 OF THE PENAL LAW, OR AGGRAVATED VEHICULAR
23 HOMICIDE AS DEFINED IN SECTION 125.14 OF THE PENAL LAW; OR

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

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

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

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

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

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

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

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

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

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

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

1 (IV) OPERATES A MOTOR VEHICLE WHILE UNDER PERMANENT TERMINATION AS SET
2 FORTH IN SECTION FIVE HUNDRED TEN-D OF THIS ARTICLE.
3 (b) Aggravated unlicensed operation of a motor vehicle in the first
4 degree is a class E felony. When a person is convicted of this crime,
5 the sentence of the court must be: (i) a fine in an amount not less than
6 five hundred dollars nor more than five thousand dollars; (II) PERMANENT
7 TERMINATION AS SET FORTH IN SUBPARAGRAPH TWELVE OF PARAGRAPH (B) OF
8 SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-THREE OF THIS CHAPTER
9 and [(ii)] (III) a term of imprisonment as provided in the penal law, or
10 [(iii)] (IV) where appropriate and a term of imprisonment is not
11 required by the penal law, a sentence of probation as provided in subdi-
12 vision six of this section, or [(iv)] (V) a term of imprisonment as a
13 condition of a sentence of probation as provided in the penal law.
14 S 6. This act shall take effect on the first of November next succeed-
15 ing the date on which it shall have become a law.