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I N S E N A T E

February 16, 2012

Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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

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

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

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

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

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

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

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

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

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

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

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

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