

S. 1869

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2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

January 15, 2015

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

IN ASSEMBLY -- Introduced by M. of A. TEDISCO, JOHNS, BARCLAY, PALMESANO, CERETTO, DUPREY, TENNEY, HAWLEY -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, CROUCH, FINCH, KATZ, MAGEE, TITONE -- 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:

1 Section 1. Section 510 of the vehicle and traffic law is amended by
2 adding a new subdivision 12 to read as follows:
3 12. A. THE COMMISSIONER SHALL ESTABLISH BY RULE, STANDARDS FOR THE
4 PERMANENT REVOCATION OF DRIVING PRIVILEGES FOR OPERATORS WHO HAVE BEEN
5 DEEMED TO HAVE ACCUMULATED AN UNACCEPTABLE NUMBER OF SERIOUS MOTOR VEHICLE
6 OFFENSES WITHIN ESTABLISHED TIME FRAMES WHICH SHALL BE CALCULATED IN
7 INCREMENTS OF NOT LESS THAN FIVE YEARS. THE TERM "SERIOUS MOTOR VEHICLE
8 OFFENSE" SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:
9 (I) A CONVICTION FOR VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OR
10 SECTION ELEVEN HUNDRED NINETY-TWO-A OF THIS CHAPTER AND ANY VIOLATION OF
11 ARTICLE THIRTY-ONE OF THIS CHAPTER FOR WHICH REVOCATION OR SUSPENSION OF
12 A LICENSE OR OPERATING PRIVILEGES IS MANDATORY, INCLUDING FAILURE TO
13 SUBMIT TO A CHEMICAL TEST PURSUANT TO SECTION ELEVEN HUNDRED NINETY-FOUR
14 OF THIS CHAPTER;
15 (II) A CONVICTION FOR A FELONY, CLASS A OR UNCLASSIFIED MISDEMEANOR
16 SET FORTH IN THIS CHAPTER INVOLVING THE OPERATION OF A MOTOR VEHICLE,
17 EXCEPT FOR THE PROVISIONS OF SUBDIVISION ONE OF SECTION FIVE HUNDRED
18 ELEVEN OF THIS ARTICLE;

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

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

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

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

8 (VI) ANY OTHER VIOLATION DESIGNATED BY THE COMMISSIONER TO BE A SERI-
9 OUS MOTOR VEHICLE OFFENSE, PURSUANT TO ADOPTION BY RULE.

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

29 S 2. Subparagraph (iii) of paragraph (a) of subdivision 3 of section
30 511 of the vehicle and traffic law, as amended by chapter 169 of the
31 laws of 2013, is amended to read as follows:

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

39 S 3. This act shall take effect immediately.