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

S. 1867 A. 2014

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, BUTLER, RAIA, MONTESANO, McDONOUGH, RIVERA, KATZ, HAWLEY -- Multi-Sponsored by -- M. of A. CROUCH, McLAUGHLIN, MILLER, TENNEY, THIELE -- read once and referred 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:

Section 1. This act shall be known and may be cited as "Charlotte's Law".

S 2. The article heading of article 20 of the vehicle and traffic law is amended to read as follows:

SUSPENSION [AND], REVOCATION AND TERMINATION

S 3. The vehicle and traffic law is amended by adding a new section 510-d to read as follows:

S 510-D. TERMINATION OF DRIVING PRIVILEGES OF PERSISTENT VEHICLE AND TRAFFIC LAW VIOLATORS. 1. DEFINITION OF PERSISTENT VEHICLE AND TRAFFIC LAW VIOLATOR. A PERSON IS A PERSISTENT VEHICLE AND TRAFFIC LAW VIOLATOR IF SUCH PERSON HAS BEEN CONVICTED THREE TIMES, WITHIN THE PRECEDING TWENTY-FIVE YEARS, OF ANY COMBINATION OF THE FOLLOWING OFFENSES:

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

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

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

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

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

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

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

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

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

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

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

S 5. Subdivision 3 of section 511 of the vehicle and traffic law, as amended by chapter 420 of the laws of 1989, paragraph (a) as amended by chapter 732 of the laws of 2006, subparagraph (iii) of paragraph (a) as amended and subparagraph (iv) of paragraph (a) as added by chapter 169 of the laws of 2013, and paragraph (b) as separately amended by chapters 786 and 892 of the laws of 1990, is amended to read as follows:

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

(ii) 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 such person has in effect [ten] SIX or more suspensions, imposed on at least [ten] SIX

separate dates for failure to answer, appear or pay a fine, pursuant to subdivision three of section two hundred twenty-six of this chapter or subdivision four-a of section five hundred ten of this article; or

(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 permanent revocation as set forth in subparagraph twelve of paragraph (b) of subdivision two of section eleven hundred ninety-three of this chapter; or

(iv) operates a motor vehicle upon a public highway while holding a conditional license issued pursuant to paragraph (a) of subdivision seven of section eleven hundred ninety-six of this chapter while under the influence of alcohol or a drug in violation of subdivision one, two, two-a, three, four, four-a or five of section eleven hundred ninety-two of this chapter[.]; OR

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

(b) Aggravated unlicensed operation of a motor vehicle in the first degree is a class E felony. When a person is convicted of this crime, the sentence of the court must be: (i) a fine in an amount not less than five hundred dollars nor more than five thousand dollars; (II) PERMANENT TERMINATION AS SET FORTH IN SUBPARAGRAPH TWELVE OF PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-THREE OF THIS CHAPTER and [(ii)] (III) a term of imprisonment as provided in the penal law, or [(iii)] (IV) where appropriate and a term of imprisonment is not required by the penal law, a sentence of probation as provided in subdivision six of this section, or [(iv)] (V) a term of imprisonment as a condition of a sentence of probation as provided in the penal law.

S 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.