

# STATE OF NEW YORK

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3470

2017-2018 Regular Sessions

## IN ASSEMBLY

January 27, 2017

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Introduced by M. of A. RAIA, McDONOUGH, McKEVITT, MALLIOTAKIS, FINCH, MURRAY -- Multi-Sponsored by -- M. of A. BLANKENBUSH, FITZPATRICK, HAWLEY, SALADINO, THIELE -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing the penalties for violations relating to the licensing of drivers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (b) of subdivision 2 of section 318 of the vehicle and traffic law is amended to read as follows:

2 (b) Such motor vehicle shall not be registered in the name of such  
3 person, or in any other name where the commissioner has reasonable  
4 grounds to believe that such registration will have the effect of  
5 defeating the purpose of this article, and no other motor vehicle shall  
6 be registered in the name of such person, nor any driver's license  
7 issued to such person, for a period of [~~one-year~~ eighteen months from  
8 the date of such revocation.  
9

10 § 2. Paragraph (b) of subdivision 4 of section 318 of the vehicle and  
11 traffic law is amended to read as follows:

12 (b) Such non-resident privileges shall not be restored for a period of  
13 [~~one-year~~ eighteen months from the date of such revocation.

14 § 3. Paragraph (b) of subdivision 5 of section 318 of the vehicle and  
15 traffic law is amended to read as follows:

16 (b) No new driver's license shall be issued, or non-resident privilege  
17 restored to such person for a period of [~~one-year~~ eighteen months from  
18 the date of such revocation.

19 § 4. Subdivision 9 of section 318 of the vehicle and traffic law, as  
20 amended by chapter 1025 of the laws of 1971, is amended to read as  
21 follows:

22 9. (a) If a motor vehicle has been involved in an accident, and its  
23 registration or the driver's license of its operator, or both, have been

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

LBD06980-01-7

1 revoked pursuant to this section, then neither such vehicle nor any  
2 other motor vehicle shall be registered or reregistered in the name of  
3 its owner or of any other person legally responsible for its use, nor  
4 shall any driver's license be issued to such owner, person or operator  
5 until [~~one-year-has~~] eighteen months have passed since the date of such  
6 revocation and, as the case may be, the commissioner has received the  
7 payments and evidence required by paragraph (c) [~~below~~] of this subdivi-  
8 sion.

9 (b) If a motor vehicle not registered in this state is involved in an  
10 accident in this state and the privilege of its operation within this  
11 state has been revoked, then neither its owner, any person legally  
12 responsible for its use nor its operator shall exercise the privilege of  
13 the operation of such vehicle within this state or the privilege of  
14 operation within this state of any motor vehicle, until [~~one-year-has~~]  
15 eighteen months have passed since the date of revocation and, as the  
16 case may be, the commissioner has received the payments and evidence as  
17 required in paragraph (c) [~~below~~] of this subdivision.

18 (c) The payments and evidence referred to in paragraphs (a) and (b)  
19 [~~above~~] of this subdivision shall be evidence, satisfactory to the  
20 commissioner,

21 (1) That no cause of action based upon such accident against such  
22 owner, person legally responsible or operator has been commenced within  
23 a period of [~~one-year~~] eighteen months from the date of the accident or  
24 a release thereof has been given to such owner, person or operator, or

25 (2) That no judgment arising out of such cause of action for amounts  
26 within the limits stated in paragraph (a) of subdivision four of section  
27 three hundred eleven of this article against such owner, person or oper-  
28 ator remains unsatisfied, except that such registration and licensing  
29 privileges may be restored on compliance with the procedures permitting  
30 the payment of a judgment in installments provided in section three  
31 hundred thirty-four of this title and

32 (3) That all civil penalties required to be paid to the department  
33 pursuant to the provisions of subdivision five of section three hundred  
34 nineteen of this [~~chapter~~] article have been paid.

35 § 5. Subdivision 15 of section 318 of the vehicle and traffic law, as  
36 amended by chapter 186 of the laws of 1985, is amended and a new subdivi-  
37 sion 16 is added to read as follows:

38 15. Notwithstanding any provisions of this section, a restricted use  
39 license or privilege of operating a motor vehicle in this state may be  
40 issued to a person who has had his or her license or such privilege  
41 revoked or suspended pursuant to any provision of this section in  
42 accordance with article twenty-one-A of this chapter. No restricted use  
43 license or privilege of operating a motor vehicle in this state may be  
44 issued to a person who has had his or her license or such privilege  
45 revoked or suspended pursuant to any provision of this section twice  
46 within eighteen months.

47 16. Any person who has had his or her license or privilege of operat-  
48 ing a motor vehicle in this state revoked or suspended pursuant to any  
49 provision of this section three or more times within eighteen months  
50 shall have his or her license or such privilege revoked permanently.

51 § 6. Subdivisions 1 and 5 of section 319 of the vehicle and traffic  
52 law, as amended by section 11 of part C of chapter 62 of the laws of  
53 2003, are amended to read as follows:

54 1. Any owner of a motor vehicle registered in this state, or an unreg-  
55 istered motor vehicle, who shall operate such motor vehicle or permit it  
56 to be operated in this state without having in full force and effect the

1 financial security required by the provisions of this chapter and any  
2 other person who shall operate in this state any motor vehicle regis-  
3 tered in this state, or an unregistered motor vehicle, with the know-  
4 ledge that the owner thereof does not have in full force and effect such  
5 proof of financial security, except a person who, at the time of opera-  
6 tion of such motor vehicle, had in effect an operator's policy of  
7 liability insurance, as defined in section three hundred eighteen of  
8 this article, with respect to his operation of such vehicle shall be  
9 guilty of a [~~traffic infraction and upon conviction may be fined not~~  
10 ~~less than one hundred fifty dollars or more than one thousand five~~  
11 ~~hundred dollars or may be imprisoned for not more than fifteen days or~~  
12 ~~both~~] misdemeanor. In addition to the penalties [~~herein~~] set forth in  
13 this section, such person, upon conviction, shall also become liable for  
14 payment to the department of the civil penalty provided in subdivision  
15 five of this section.

16 5. The civil penalty for a violation of subdivision one of this  
17 section shall be [~~seven hundred fifty~~] one thousand dollars.

18 § 7. Subdivision 11 of section 509 of the vehicle and traffic law, as  
19 amended by section 3 of part C of chapter 62 of the laws of 2003, is  
20 amended to read as follows:

21 11. (a) A violation of any provision of this section shall be punisha-  
22 ble by a fine of not less than seventy-five nor more than three hundred  
23 dollars, or by imprisonment for not more than fifteen days, or by both  
24 such fine and imprisonment except, if the violation consists of failure  
25 to renew a license which was valid within sixty days, the fine shall be  
26 not more than forty dollars, and except that a violation of subdivision  
27 [~~seven or~~] eight of this section shall be punishable by a fine of not  
28 more than seventy-five dollars.

29 (b) A second or subsequent violation of any provision of this section,  
30 except for a violation for failure to renew a license which was valid  
31 within sixty days or for a violation of subdivision eight of this  
32 section, shall be punishable by a fine of not less than seventy-five nor  
33 more than five hundred dollars, or by imprisonment for not more than  
34 ninety days, or by both such fine and imprisonment.

35 § 8. Paragraph (a) of subdivision 1 of section 511 of the vehicle and  
36 traffic law, as amended by chapter 173 of the laws of 1990, is amended  
37 to read as follows:

38 (a) A person is guilty of the offense of aggravated unlicensed opera-  
39 tion of a motor vehicle in the third degree when such person operates a  
40 motor vehicle upon a public highway while knowing or having reason to  
41 know that such person's license or privilege of operating such motor  
42 vehicle in this state or privilege of obtaining a license to operate  
43 such motor vehicle issued by the commissioner is suspended, revoked or  
44 otherwise withdrawn by the commissioner, or when such person operates a  
45 motor vehicle without being duly licensed pursuant to section five  
46 hundred two of this title and such person has previously been convicted  
47 for a violation of section five hundred nine of this title within the  
48 immediately preceding eighteen months. For the purpose of this para-  
49 graph, a person who has in effect three or more suspensions or revoca-  
50 tions of his or her license, imposed on at least three separate dates,  
51 shall be presumed to know that such license was suspended or revoked.

52 § 9. Paragraph (b) of subdivision 2 of section 511 of the vehicle and  
53 traffic law, as amended by chapter 607 of the laws of 1993, is amended  
54 to read as follows:

55 (b) Aggravated unlicensed operation of a motor vehicle in the second  
56 degree is a [~~misdemeanor~~] class E felony. When a person is convicted of

1 this crime under subparagraph (i) of paragraph (a) of this subdivision,  
2 the sentence of the court must be: (i) a fine of not less than five  
3 hundred dollars; and (ii) a term of imprisonment not to exceed one  
4 hundred eighty days; or (iii) where appropriate a sentence of probation  
5 as provided in subdivision six of this section; or (iv) a term of impri-  
6 sonment as a condition of a sentence of probation as provided in the  
7 penal law and consistent with this section. When a person is convicted  
8 of this crime under subparagraph (ii), (iii) or (iv) of paragraph (a) of  
9 this subdivision, the sentence of the court must be: (i) a fine of not  
10 less than five hundred dollars nor more than one thousand dollars; and  
11 (ii) a term of imprisonment of not less than seven days nor more than  
12 one hundred eighty days, or (iii) where appropriate a sentence of  
13 probation as provided in subdivision six of this section; or (iv) a term  
14 of imprisonment as a condition of a sentence of probation as provided in  
15 the penal law and consistent with this section.

16 § 10. Subparagraph (ii) of paragraph (a) of subdivision 3 of section  
17 511 of the vehicle and traffic law, as amended by chapter 732 of the  
18 laws of 2006, is amended to read as follows:

19 (ii) commits the offense of aggravated unlicensed operation of a motor  
20 vehicle in the third degree as defined in subdivision one of this  
21 section; and is operating a motor vehicle while such person has in  
22 effect [~~ten~~] five or more suspensions, imposed on at least [~~ten~~] five  
23 separate dates for failure to answer, appear or pay a fine, pursuant to  
24 subdivision three of section two hundred twenty-six of this chapter or  
25 subdivision four-a of section five hundred ten of this article; or

26 § 11. Paragraph (b) of subdivision 3 of section 511 of the vehicle and  
27 traffic law, as separately amended by chapters 786 and 892 of the laws  
28 of 1990, is amended to read as follows:

29 (b) Aggravated unlicensed operation of a motor vehicle in the first  
30 degree is a class [~~E~~] D felony. When a person is convicted of this  
31 crime, the sentence of the court must be: (i) a fine in an amount not  
32 less than five hundred dollars nor more than five thousand dollars; and  
33 (ii) a term of imprisonment as provided in the penal law, or (iii) where  
34 appropriate and a term of imprisonment is not required by the penal law,  
35 a sentence of probation as provided in subdivision six of this section,  
36 or (iv) a term of imprisonment as a condition of a sentence of probation  
37 as provided in the penal law.

38 § 12. This act shall take effect on the first of November next  
39 succeeding the date on which it shall have become a law.