STATE OF NEW YORK

7397

2023-2024 Regular Sessions

IN SENATE

May 22, 2023

Introduced by Sen. GIANARIS -- 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 the suspension and revocation of certain learner's permits and the return of numbered plates and registration suspensions in certain circumstances

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

Section 1. The section heading and subdivision 1 of section 510-c of the vehicle and traffic law, as amended by chapter 403 of the laws of 2009, are amended to read as follows:

Suspension and revocation of learner's permits and driver's licenses for violations committed by holders of class DJ or class MJ learner's permits or licenses**, or for those over the age of eighteen with a learner's permit**. 1. (a) A learner's permit or a driver's license shall be suspended for a period of sixty days:

(i) upon a conviction or finding of a serious traffic violation as defined in subdivision two of this section, when such violation was committed while the holder had a class DJ or class MJ learner's permit or a class DJ or MJ license**, or for those over the age of eighteen with a learner's permit**; or

(ii) upon the second conviction or finding of such permit or license holder of a violation of any other provision of this chapter or any other law, ordinance, order, rule or regulation relating to traffic, and when such violation was committed while such holder had a class DJ or class MJ learner's permit or a class DJ or MJ license**, or for those over the age of eighteen with a learner's permit**.

(b) A learner's permit or a driver's license shall be revoked for a period of sixty days upon the conviction or finding of the permit or license holder of a violation or violations, committed within six months after the restoration of such permit or license suspended pursuant to paragraph (a) of this subdivision, which convictions or findings would

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

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result in the suspension of such permit or license pursuant to paragraph (a) of this subdivision.

(c) A learner's permit shall be suspended for a period of sixty days upon a conviction or finding that they did not abide by the following practices:

(i) operating a vehicle without a supervising driver twenty-one years of age or older with a valid license to operate the type of vehicle the permit holder is in.

(ii) operating a vehicle that contains hazardous materials.

(iii) operating a vehicle when more than one passenger under the age of twenty-one who is not a family member is in the vehicle. This does not apply if the supervising driver is a parent, guardian, driver education teacher or driving school instructor.

(iv) operating a vehicle when a passenger is seated in the front seat, except for the supervising driver.

(v) when a vehicle is operated by a driver who has a class DJ learner's permit, every passenger in the vehicle must use a safety restraint (a seat belt, a combination seat belt and shoulder harness, a child restraint seat).

§ 2. The vehicle and traffic law is amended by adding a new section 607 to read as follows:

§ 607. Accidents; when plates are returned and registration is suspended. 1. If an operator of a motor vehicle or motorcycle who holds a learner's permit or class DJ or MJ license is involved in an accident occurring in this state resulting in death or bodily injuries to any person, the operator shall, the next day the DMV is open or within forty-eight hours of the accident, surrender the number plates to such motor vehicle or motorcycle to the department, and shall have any motor vehicle registrations which belong to such operator immediately suspended.

2. Within fourteen days, the operator shall be heard pursuant to paragraph a of subdivision three of section five hundred ten of this chapter to determine if number plates shall be returned and/or registration suspensions shall be reinstated.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.