

# 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:

1 Section 1. The section heading and subdivision 1 of section 510-c of  
2 the vehicle and traffic law, as amended by chapter 403 of the laws of  
3 2009, are amended to read as follows:

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

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

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

20 (b) A learner's permit or a driver's license shall be revoked for a  
21 period of sixty days upon the conviction or finding of the permit or  
22 license holder of a violation or violations, committed within six months  
23 after the restoration of such permit or license suspended pursuant to  
24 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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1 result in the suspension of such permit or license pursuant to paragraph  
2 (a) of this subdivision.

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

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

9 (ii) operating a vehicle that contains hazardous materials.

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

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

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

20 § 2. The vehicle and traffic law is amended by adding a new section  
21 607 to read as follows:

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

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

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