



Legislation Details (With Text)

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Res. No. 403

Resolution calling upon the Legislature of the State of New York to increase the criminal penalties for driving with a suspended license.

By Council Members Vallone, Avella, Fidler, Rivera, Weprin, Jackson and Gennaro

Whereas, On Sunday, May 30, 2004, a 40-year-old unlicensed drunk driver led police on a high speed chase in Central Islip while a 6-year-old boy sat in the front passenger seat without wearing a seatbelt; and

Whereas, On Wednesday, May 19, 2004, an 83-year-old widow was killed in a hit-and-run incident in Queens by a 22-year-old driver who currently has three license suspensions, two speeding violations, and a 2002 conviction for driving without a license; and

Whereas, In an August 2003 incident in Queens, a 21-year-old driver with 20 license suspensions was driving without his headlights on when he ran a stop sign and killed a 33 year old mother of two when he drove into her car; and

Whereas, A 33-year-old Queens man who has had his driver’s license suspended 146 times continues to drive and is routinely cited for reckless driving; in 1999, he hit and killed a 73-year-old woman while she was crossing the street, but he could not be charged with vehicular manslaughter because he was not acting recklessly or with negligence; and

Whereas, It is clear from these incidents, and others, that the current criminal penalties for driving with a suspended license have not stopped motorists with a suspended license from driving or prevented the deaths of innocent members of the community; according to the New York Daily News, “there are at least 100,000

unlicensed drivers in the city” and “unlicensed drivers are involved in 20% of traffic fatalities,” and the Automobile Club of New York states that unlicensed drivers are almost five times more likely to be involved in fatal crashes than those with valid driver’s licenses; and

Whereas, In his 2004 State of the State address, Governor Pataki announced a five-point road safety plan which includes the fingerprinting of unlicensed drivers to prevent them from obtaining a new license; as Governor Pataki stated, “Reports from law enforcement officials indicate that a large number of drivers whose licenses are suspended or revoked falsify DMV records to avoid penalties and attempt to obtain a new license under another name;” and

Whereas, Numerous District Attorneys, including Queens County District Attorney Richard Brown, support Governor Pataki’s proposal; and

Whereas, Currently under New York Vehicle and Traffic Law §511, there are three degrees of aggravated unlicensed operation of a motor vehicle; and

Whereas, Aggravated unlicensed operation of a motor vehicle in the third degree, a misdemeanor which involves the operation of a motor vehicle upon a public highway while a person knows or has reason to know that his or her license is suspended, is punishable by a fine of not less than two hundred dollars nor more than five hundred dollars, or a term of imprisonment of not more than thirty days, or both such fine and imprisonment; and

Whereas, Aggravated unlicensed operation of a motor vehicle in the second degree, also only a misdemeanor, involves the operation of a motor vehicle with a suspended license when the person’s license has been suspended for, among other things, a previous conviction for driving with a suspended license; or if the suspension or revocation is based upon a refusal to submit to a chemical test; or if the suspension was a mandatory suspension pending prosecution; or if such driver has in effect three or more suspensions, imposed on at least three separate dates, for failure to answer, appear or pay a fine, is punishable, depending on the subparagraph, by a fine of not less than five hundred dollars nor more than one thousand dollars; and a term of imprisonment not less than seven days nor more than one hundred eighty days; or where appropriate a sentence of probation; or a term of imprisonment as a condition of a sentence of probation as provided in the penal law; and

Whereas, Aggravated unlicensed operation in the first degree, a Class E Felony which involves the operation of a motor vehicle with a suspended license while under the influence of alcohol or a drug; or operating a motor vehicle while such person has in effect ten or more suspensions, imposed on at least ten separate dates for failure to answer, appear or pay a fine, is punishable by a fine in an amount not less than five hundred dollars nor more than five thousand dollars; and a term of imprisonment as provided in the penal law; or where appropriate and a term of imprisonment is not required by the penal law, a sentence of probation; or a term of imprisonment as a condition of a sentence of probation as provided in the penal law; and

Whereas, Currently under New York Vehicle and Traffic Law §511-d, the aggravated failure to answer appearance tickets or pay fines imposed, a misdemeanor which involves a person having in effect twenty or more suspensions, imposed on at least twenty separate dates, for failure to answer, appear or pay a fine, is punishable by a fine of not less than five hundred dollars; or a term of imprisonment of not more than one hundred eighty days; or both such fine and imprisonment; and

Whereas, It is clear that these violations, most of which are misdemeanors, do not deter reckless and potentially

deadly behavior, and do not adequately reflect the seriousness of driving with a suspended license; and

Whereas, Elevating the criminal penalties for driving with a suspended license would permit judges to impose stiffer penalties, thus protecting the community from these dangerous drivers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Legislature of the State of New York to increase the criminal penalties for diving with a suspended license.