



Legislation Details (With Text)

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Title: Resolution calling upon the New York State Legislature and the Governor to amend the Vehicle and Traffic Law to eliminate the penalty of incarceration for individuals convicted of operating a motor vehicle with a suspended license when such license was suspended solely due to failing to respond to a summons.

Sponsors: David G. Greenfield, Ruben Wills, Daniel Dromm, Mathieu Eugene, Letitia James, Michael C. Nelson, Jumaane D. Williams

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Res. No. 1599

Resolution calling upon the New York State Legislature and the Governor to amend the Vehicle and Traffic Law to eliminate the penalty of incarceration for individuals convicted of operating a motor vehicle with a suspended license when such license was suspended solely due to failing to respond to a summons.

By Council Members Greenfield, Wills, Dromm, Eugene, James, Nelson and Williams

Whereas, According to the United States Department of Transportation, in 2009, there were 11,329,488 New York State licensed drivers; and

Whereas, As a mechanism to protect other motorists and civilians from dangerous drivers, the state may suspend an individual’s driver license for traffic violations; and

Whereas, Individuals who have their driver license suspended due to serious violations of the law, such as driving while intoxicated, pose a threat to public safety and should not be operating a motor vehicle;

and

Whereas, An individual may also have his or her license suspended for a less serious violation of the law, such as failing to answer a summons; and

Whereas, Under Section 511 of the New York State Vehicle and Traffic Law, an individual is guilty of aggravated unlicensed operation of a motor vehicle in the third degree if he or she operates a motor vehicle upon any public roadway while knowing or having reason to know his or her license is suspended, regardless of the reason why such individual's license was suspended; and

Whereas, Aggravated unlicensed operation of a motor vehicle in the third degree is a misdemeanor and is punishable by a maximum fine of \$500 and/or up to 30 days in jail; and

Whereas, Individuals are often charged with knowingly having their driver licenses suspended simply because of a failure to address a previously acquired traffic summons; and

Whereas, Individuals who fail to address a traffic summons and have their licenses suspended should not be subjected to the same type of criminal penalty as those who commit serious violent crimes against society; and

Whereas, Individuals that are found to be operating a motor vehicle with suspended licenses solely due to failing to respond to a traffic summons should be subject to a fine rather than possibly facing incarceration for their traffic violation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and the Governor to amend the Vehicle and Traffic Law to eliminate the penalty of incarceration for individuals convicted of operating a motor vehicle with a suspended license when such license was suspended solely due to failing to respond to a summons.

WJH
LS 1779
2/22/12

