Legislation Details (With Text)

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Res. No. 1031

Resolution calling on the New York State Legislature to adopt legislation requiring unlicensed drivers and drivers with a suspended or revoked license to be fingerprinted.

By Council Member Vallone Jr.

Whereas, Dangerous and deadly drivers are a growing problem who pose a significant risk to public safety; and

Whereas, Traffic fatality studies indicate that unlicensed drivers and especially those with suspended or revoked licenses are nearly four times as likely to be involved in traffic accidents as those with valid licenses; and

Whereas, The American Automobile Association Foundation for Traffic Safety also confirms that Driving While Suspended /Driving While Revoked drivers are 3.7 times more likely to be involved in a fatal crash than are validly licensed drivers, while unlicensed drivers are 4.9 times more likely to be involved in a fatal accident; and

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Whereas, According to the U.S. Department of Transportation, 10% of drivers involved in fatal crashes in New York possessed an invalid license; of those, 20% had previously been involved in crashes, and 22% had previous speeding convictions; and

Whereas, In 2004, New York City alone saw 23,448 arrests for Aggravated Unlicensed Operation of a Motor Vehicle; and

Whereas, Currently, fingerprints are not required upon the arrest for a violation or non-Penal Law misdemeanor; however, in certain instances, exceptions to the law exist for which a prior conviction would lead to increased penalties and in those instances, fingerprinting is required to identify the repeat offenders who fall under the elevated statute; and

Whereas, The B misdemeanor of Aggravated Unlicensed Operation in the Third degree is not included as an exception to the law and does not require fingerprinting, even though a repeat offense constitutes a higher A misdemeanor of Aggravated Unlicensed Operation in the Second Degree; and

Whereas, Although the New York State Legislature increased penalties for repeat offenders and those driving with multiple suspensions, the penalties are basically unenforceable as it is nearly impossible to identify prior convictions and the number of suspensions of individuals convicted of Aggravated Unlicensed Operation of a Motor Vehicle; and

Whereas, Additionally, since the Department of Motor Vehicles identifies drivers by name and address, drivers with common names or minor variations in their names are able to escape the current penalties for driving with multiple suspensions on their license; and

Whereas, The New York State Law Enforcement Council, which is a legislative advocate for New York's law enforcement community, including the district attorneys, states that "as long as New York's laws continue to treat repeat unlicensed driving as a minor offense, so will New York's drivers and unlicensed driving will only increase;" and

Whereas, Recognizing the danger in allowing unlicensed drivers and drivers with suspended or revoked licenses to evade serious punishment, members of the New York State Legislature have introduced legislation that would require the fingerprinting of persons arrested for or charged with Aggravated Unlicensed Operation of a Motor Vehicle; and

Whereas, Given that these proposed measures will prevent countless automobile-related injuries and deaths, it is imperative that the State Legislature ensure that unlicensed drivers and drivers with suspended or revoked licenses are fingerprinted to deter or appropriately punish repeat offenses; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to adopt legislation requiring unlicensed drivers and drivers with a suspended or revoked license to be fingerprinted.

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