



Legislation Details (With Text)

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**Title:** Resolution calling upon the New York State Legislature to address the legal loopholes that allow dangerous and deadly drivers to drive under the influence of drugs or to drive with a suspended or revoked license.

**Sponsors:** Peter F. Vallone, Jr., Lewis A. Fidler, James F. Gennaro, Vincent J. Gentile, G. Oliver Koppell, Michael C. Nelson, Domenic M. Recchia, Jr., David I. Weprin, Simcha Felder, Helen D. Foster, John C. Liu, James S. Oddo

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Res. No. 145

Resolution calling upon the New York State Legislature to address the legal loopholes that allow dangerous and deadly drivers to drive under the influence of drugs or to drive with a suspended or revoked license.

By Council Members Vallone Jr., Fidler, Gennaro, Gentile, Koppell, Nelson, Recchia Jr., Weprin, Felder, Foster, Liu and Oddo

Whereas, Dangerous drivers whose reckless behavior results in serious injuries and fatalities have become a serious concern in the nation, the state and in New York City; and

Whereas, A Public Safety Committee hearing in 2005 focused on Driving While Intoxicated (DWI) laws that allow those who drive while intoxicated to be charged with only a misdemeanor when they injure or kill another person; and

Whereas, One particular problem is that of drug-related DWI offenses; a National Highway Traffic

Safety Administration study of fatally injured drivers found that nearly 20% had drugs or a combination of drugs and alcohol in their system at the time of the crash; and

Whereas, If the impairment was due to drug use, charges and penalties are only applicable if that specific drug is listed under New York State's Public Health Law as a controlled substance, thus exempting some offenders from any punishment at all, particularly those who abuse prescription medication; and

Whereas, In order to address the inadequacies of existing law, state lawmakers must ensure that DWI drug offenders are not excused from prosecution by mandating that those who are impaired by any substance, and thus incapable of employing the physical and mental abilities of a reasonable and prudent driver, will be appropriately punished; and

Whereas, Another group of drivers that are especially of concern are repeat-offenders who continue to put others at risk, even with multiple license suspensions and/or revocations on their driving record; and

Whereas, According to the AAA Foundation for Traffic Safety, Driving While Suspended (DWS)/Driving While Revoked (DWR) 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

Whereas, One tragic story, as discussed by Richmond County District Attorney Daniel Donovan, involves eleven year old Michael Vasquez-Moore, struck by a driver who did not have a valid driver's license and whose license to drive had been suspended 15 times and revoked twice prior to the incident; and

Whereas, Under New York State law, however, this driver could only be charged with a misdemeanor charge of driving without a license; additionally, in this case, the charges were dismissed because the judge could not determine whether or not the defendant was properly notified that her license was suspended by the DMV; and

Whereas, Although it is written in the New York State Department of Motor Vehicles Driving Manual that failure to respond to a traffic infraction may result in a license suspension and that it is illegal to drive with

a suspended or revoked license, many drivers are not aware of the consequences and plead ignorance; and

Whereas, In order to further address the inadequacies of existing law, state lawmakers must ensure that drivers are aware that their license will be suspended indefinitely if they do not respond to the traffic violation through a written warning on the ticket itself; and

Whereas, Although the state law does penalize repeat-offenders with car forfeitures for more than 10 non-DWI traffic infractions, these violations must occur on 10 separate occasions, exempting this particular offender from being appropriately punished, thus state lawmakers must reduce the number of incidents in which suspensions and/or revocations are accrued in order to be subject to car forfeitures; now, therefore, be it Resolved, That the Council of the City of New York calls upon the New York State Legislature to address the legal loopholes that allow dangerous and deadly drivers to drive under the influence of drugs and to drive with a suspended or revoked license.

Res 802/2005

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