



NEW YORK STATE SENATOR
Jack M. Martins

Senator Martins' Legislation Raising Penalties for Unlicensed Drivers Passed by Senate

JACK M. MARTINS March 23, 2015

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Senator Jack M. Martins (R-7th Senate District) announced that the New York State Senate passed legislation he sponsored to increase penalties for drivers who operate a vehicle without a driver's license. The legislation would address an inequity in current law which people who drive with a suspended license face a far stronger penalty than someone who drives with no license at all. Right now, driving with a suspended license is a crime – a misdemeanor – while driving without ever having had a license is a traffic infraction.

“It's absurd that under current law someone driving with a suspended license faces a much tougher penalty than someone who never had a driver's license at all. It makes no sense that the person who never took a driver's test, yet got behind the wheel of a car, should be given a pass. They're putting people's lives at risk and must be held accountable. Closing this legal loophole will ensure that unlicensed drivers are held accountable for breaking the law and jeopardizing people's safety,” said Senator Martins.

Operating a vehicle with a suspended license is a misdemeanor offense under current law. However, operating a vehicle without a license is only a violation, which is not classified as a crime and carries no possibility of jail time. This creates a scenario where someone driving with a suspended license, who has undergone driver training and achieved certification, can be charged with a misdemeanor and face jail time, but someone caught driving without having undergone any training or certification whatsoever is only subject to a relatively small fine, no chance of a jail sentence, and no real disincentive to modify their dangerous behavior.

Senator Martins' legislation (S247) would correct this inequity by making driving without a license a misdemeanor crime. This would create parity with the existing penalty for driving

with a suspended license and ensure that unlicensed drivers are held accountable.