



NEW YORK STATE SENATOR

Iwen Chu

Senator Chu Introduces “Efrain’s Law” to Strengthen Penalties for Reckless and Unlicensed Driving that Results in Death

IWEN CHU September 30, 2024

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Today, Senator Chu announced the introduction of legislation to strengthen penalties against reckless and unlicensed driving that result in death. The legislation, S9920, would create a felony class offense, aggravated unlicensed operation of a motor vehicle in the first degree, when an offender has a history of reckless driving and kills a person while driving without a license. Currently, these reckless drivers are unlikely to face jail time or be charged with anything greater than a misdemeanor.

Senator Chu advanced this legislation after the death of 82 year old Efrain Barreto. Efrain was tragically struck and killed by an unregistered, unlicensed moped driver in June. Currently, the law defines mopeds as limited-use motorcycles and requires a valid driver's license to operate. Efrain Barreto's alleged killer was charged with aggravated unlicensed operation of a vehicle in the third degree. By creating this new felony class, Senator Chu empowers District Attorneys to bring stronger charges when reckless drivers kill, and makes Efrain's legacy one of providing true justice to future victims and their families.

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Senator Iwen Chu said, "Efrain Barreto, a gentleman with a good heart lost his life to reckless driving. His traffic death put his whole family in despair. This new bill strengthens the law and so victims and their families receive justice. We are sending a clear message that reckless behavior will not be tolerated. It is about creating a safer environment for all who travel within our communities and mandating accountability. Efrain's story serves as a poignant reminder of the lives at stake and the urgent need to protect our neighborhoods."

"My father, a former U.S. army veteran and resident of Sunset Park for over 60 years was hit and killed by a moped rider who knowingly had a suspended license, no registration, and no insurance on June 3. After suffering severe brain injuries, my father passed away on June 6," said **Vivian Barreto**, the victim's daughter. "To our shock the perpetrator was only charged with a misdemeanor for killing while driving with a suspended license. This is unacceptable. I'm here today to be the voice for the voiceless and demand justice, not just for my father, but for all victims of reckless drivers. We need stronger penalties for those who repeatedly break the law and endanger people. Thank you Senator Chu for introducing this legislation and I ask for your support in getting the laws changed so that we can all live safer lives."

Tina Ponce, President of 72nd Police Precinct Community Council, said, "It's sad what happened and we need justice for everyone on our streets. I applaud Senator Chu for 

proposing the new law to take negligent driving into account. We have to make the street and sidewalks safe for our community.”

This legislation builds on Senator Chu’s previous accomplishments on e-bike safety regulation, including a historic package to crack down on lithium ion battery fires and reckless sidewalk usage, and requiring regulation disclosures at the point of sale to improve helmet usage and passenger safety. Additionally, a new law passed this legislative session requires all limited-use motorcycles, mopeds, to be registered with the NYS Dept. of Motor Vehicles at the time of sale starting January 2025.