



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senate Passes Fuschillo Bill Creating Felony Charges for Those Caught Driving Drunk WITH a Conditional License

CHARLES J. FUSCHILLO JR. May 16, 2011

| ISSUE: **DRUNK DRIVING**

The New York State Senate today passed legislation sponsored by Senator Charles J. Fuschillo, Jr. (R-Merrick) that closes a loophole which allows someone arrested for DUI while driving with a conditional license to face only a traffic infraction.

“Conditionally licensed drivers have their driving privileges restricted because they have proven to be a danger to others on the road. It’s ridiculous that current law allows these same people to recklessly endanger lives again by driving under the influence and face only a traffic infraction. It’s time to close the loopholes and ensure that those who continually put other drivers’ safety at risk face stronger penalties,” said Senator Fuschillo.

Conditional licenses permit driving in certain instances, including: driving to and from work, school, doctors offices, child care, the DMV, the probation department, and DUI programs. Licensees are also allowed to drive as part of their job (if need be) and also for three hours a week to run errands and handle personal business. Someone who is arrested for, or convicted of, a DUI offense can currently apply for a conditional license from the Department of Motor Vehicles (DMV), provided they have not been enrolled in an DMV sanctioned alcohol or drug program within the last five years.

However, under a loophole in the current law, if these individuals drive under the influence again while holding a conditional license, they face only a traffic infraction penalty for operating outside of the terms of their conditional license. Had they been driving with a suspended or revoked license, they would face a class E felony charge.

Senator Fuschillo’s legislation (S4177) would close this loophole by creating class E felony charges for those caught driving under influence with a conditional license.

"This is common-sense legislation that further showcases New York State's commitment to eliminating drunk driving and keeping our roads safe," said Nassau County District Attorney Kathleen Rice. "I applaud the State Senate for this vote and look forward to seeing this bill signed into law."

Mothers Against Drunk Driving (MADD) in a memo supporting the legislation, “urges” passage of the legislation to “close this loophole in New York’s DWI law.”

The legislation has been sent to the Assembly for consideration.

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