



DAVID J. SWARTS
Commissioner

STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

"P" 18 (2010)

"M" 7 (2010)

Albany, New York

September 28, 2010

TO: All Enforcement Agencies and Magistrates

SUBJECT: Chapter 409 of the Laws of 2010 – Elle's Law

Chapter 409 of the Laws of 2010, effective August 13, 2010, known as Elle's Law, amends section 510(2)(b)(xiv) of the Vehicle and Traffic Law, as amended by Chapter 571 of the Laws of 2006, to enhance license sanctions for a conviction of a violation of section 1146 (failure to exercise due care), where such violation caused serious physical injury to another person.

The following sanctions are mandated upon conviction of such a violation:

- For a first violation of section 1146 causing serious physical injury – six month license suspension;
- For a second or subsequent violation of section 1146 causing serious physical injury committed within five years of a prior violation of 1146 causing serious physical injury - one year license suspension.

A copy of Chapter 409 is attached for your reference. Please share this information with appropriate staff. Thank you.

David J. Swarts
Commissioner

CHAPTER 409

AN ACT to amend the vehicle and traffic law law, in relation to suspension of driving privileges

Became a law August 13, 2010, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as "Elle's Law".

§ 2. Subparagraph (xiv) of paragraph (b) of subdivision 2 of section 510 of the vehicle and traffic law, as added by chapter 571 of the laws of 2006, is amended to read as follows:

(xiv) for a period of forty-five days where the holder is convicted of a traffic infraction for a first violation of article twenty-six of this chapter and the commission of such violation caused serious physical injury to another person, **except: (A) where the holder is convicted of a traffic infraction for a first violation of section eleven hundred forty-six of this chapter and the commission of such violation caused serious physical injury to another person, the suspension shall be for a period of six months; and (B) where the holder is convicted of a traffic infraction for a second violation of section eleven hundred forty-six of this chapter and the commission of such violation caused serious physical injury to another person, and such person has previously been convicted of a traffic infraction for a violation of section eleven hundred forty-six of this chapter and the commission of such violation caused serious physical injury to another person within five years, the suspension shall be for a period of one year.**

§ 3. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK **ss:**

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

MALCOLM A. SMITH
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly

EXPLANATION--Matter in **italics** is new; matter in brackets [-] is old law to be omitted.

