



# NYSACDL

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## **NEW 2024 DMV RULES AND REGULATION CHANGES**

Effective November 6, 2024, DMV has enacted new rules and regulations that affect point values, penalties and relicensing standards. DMV posits the new rules are aimed at improving highway safety by going after and penalizing repeat offenders for high-risk behaviors, particularly those related to alcohol, drugs and unlicensed operation. (You can view a full copy of DMV's 2024 Rules and Regulation changes here: [https://nysacdl.org/resource/resmgr/2024\\_events/NewDMVRegsNov2024.pdf](https://nysacdl.org/resource/resmgr/2024_events/NewDMVRegsNov2024.pdf))

*It is imperative that you review these DMV changes in their entirety as the new rules can dramatically impact your client's driving privileges immediately and your negotiating and defense strategy with prosecutors.*

### **DWIs and Driving on Suspended/Revoked Licenses Now Carry Eleven (11) Points**

Some of the most critical changes involve the addition of points where none existed. Existing moving violation points are also increased with certain violations.

These changes will significantly impact how the majority of ALL Vehicle and Traffic Law (VTL) cases are disposed. Every VTL § 1192 conviction will be assessed 11 points. As will every § 511 traffic infraction conviction (Aggravated Unlicensed Operation,) including violations committed or incidents of driving that occur while a driver's license is suspended or revoked. In other words, if a person's driver's license is suspended or revoked and they are convicted of any moving violation or are known to have "any other incident of driving" they will be assessed 11 points in addition to any points associated with the underlying conviction.

Why is this significant? Accumulate 11 points within 24 months (another change is the *expansion of the period to accumulate points from 18 months to 24 months*) and the driver may have to attend a DMV "habitual or persistent violator" administrative hearing and be subject to further suspension or revocation. However, if the 11 points (and additional points) arise from a single event (either an alcohol- or drug-related driving event defined at 15 NYCRR 136.5(1)(a) or a violation of VTL 511), DMV will not require a hearing.

Every plea should now be assessed in light of a client's record, and the number of points they have within various time periods – 18 months for points-based Driver Responsibility Assessment calculations, 24 months for possible administrative hearing suspensions/revocations, and the 25-year lookback period for motorists with multiple alcohol-or drug-related driving incidents.

### **Driver Responsibility Assessment (DRA) Changes**

VTL 503(4) still requires a DRA to be imposed for someone who has 6 or more points within an 18-month period (this remains unchanged compared to the new 24-month period). It is \$100 per year for three years for the first six points and \$25 per year for each additional point. There is nothing in the proposed regulations that limit the effect of this statute on someone who is convicted of DWI/DWAI or refuses a chemical test.

In other words, it appears that a person who is convicted of DWI/DWAI or refuses a chemical test will not only be responsible for the \$750 DRA (see VTL 1199) but also the points-based DRA. 11 points within an 18 month period equates to a \$675 DRA *over a 3-year period*. This potentially means a person with a DWAI/DWI conviction will have to pay the \$750 DRA AND a \$675 DRA, which is all in addition to the fine and surcharge owed to the court.

## **Youthful Offender Status Change**

Under the new DMV Rules changes, if a motorist is convicted of an offense under **VTL § 1192** of the Vehicle and Traffic Law (related to driving under the influence of alcohol or drugs) and they are adjudicated as a **Youthful Offender** (typically young drivers under 19), **this status now counts the same as a regular conviction for an adult over 19 years of age.**

## **Negative Units and Re-Licensure Applications**

Negative units for many offenses were increased and the extended lookback period for negative units increased from 3 to 4 years. 25 or more negative units at the time of application for re-licensure will result in a denial. We will now need to be very mindful of this when advising clients on if and when they will get their license returned based on a calculation of negative units.

## **New Rules Affecting Multiple DWI Offenders**

Under the new DMV Rules changes, DMV will now administratively revoke any motorist's license for life if they have four alcohol- or drug-related driving incidents within their lifetime (*a change and reduction from the previous rule of 5 alcohol or drug related driving incidents for a lifetime revocation is now 4*) or three alcohol- or drug-related driving incidents and at least one serious driving offense (SDO) within the 25-year lookback period. For a motorist with three alcohol- or drug-related driving incidents and no SDO within the 25-year lookback period, DMV will continue its administrative revocation of five years plus an additional five years spent on a restricted license.

You may recall that traffic violation convictions worth 5 or more points are considered high-point violations. Two or more high-point driving violations within the 25-year lookback period remains a serious driving offense as well. 20 or more points within the 25 year lookback period remains a serious driving offense as well.

Thus, the new regulations increasing points or adding points where there were none, e.g., VTL 511 convictions and/or violations or incidents of driving while a license is suspended or revoked, now make it easier to get to this point. However, points from alcohol- or drug-related driving incidents are not assessed for either the high-point driving violation or 20+ point categories.

Understanding the new DMV rules is critical under circumstances where a client may have preexisting moving violation points on their driving records.

## **Key Changes Overview**

### **Newly Assigned and Adjusted Points for Certain Violations**

- DWAI, DWI, DWAI, Aggravated DWI and Drug Related Convictions are now assigned 11 points where a conviction occurs (previously Negative Units were assigned but no points)
- Aggravated Unlicensed Operation i.e., Driving with Suspended License are now assigned 11 points. Previously no points were assigned to an AUO (except 511a)
- Any violation involving operating or *incidents of driving* (not defined) while the driver is suspended or revoked is now assigned 11 points

Note that the specific language for this change is as follows: “any violation involving operation of a motor vehicle while such person's license or privilege is suspended or revoked, including conviction of section 511 of the Vehicle and Traffic Law, and for any other incident of driving during a period of license suspension or revocation.

## Expanded Lookback Period

- The **points accumulation lookback** period has been **extended from 18 months to 24 months** (thereby increasing the likelihood of license suspension and revocations)

## New Points for Specific High-Risk Driving Behavior

- Eight (8) points will now be assessed for overtaking or passing a stopped school bus (VTL 1174)
- Five (5) points will now be assessed for Facilitating Aggravated Unlicensed Operation (VTL 511-a), speed contests or races (VTL 1182), Leaving the Scene of Personal Injury Accident (VTL 600), and Failure to Exercise Due Care (VTL 1146).

## Driver Improvement Clinic

Remember, if a motorist accumulates between **4 and 6 points** on their license within a **24-month period**, they will receive a warning letter from DMV about their points explaining what will occur if they receive more points (*not a new Regs section; however, previously rarely enforced which could change.*)

If a motorist accumulates between **7 and 10 points** on their driver's license within a **24-month period**, they will be required to attend a Driver Improvement Clinic. May result in a suspension or revocation if the motorist fails to attend the clinic (*not a new Regs section; however, previously rarely enforced which could change.*)

## Formal Hearing for Persistent Violations:

Remember, a driver may have to attend a formal Hearing if they reach certain point limits within a 24-month period.

**11 or more points** in a **24-month period** (except where all points come from a single alcohol or drug-related incident, in which case it doesn't count toward the Hearing requirement)

**9 or more points** in a **24-month** period specifically from speeding violations

**4 or more additional points** in a **12-month** period after a driver has already attended a formal Hearing

Depending on what is determined, DMV can suspend or revoke the motorist's license.

**Sample Summary Chart of Select Point Changes**

| Violation Type   | Previous Points | New Points | Previous<br>Lookback Period | 2024/New Lookback Period |
|--|-----------------|------------|-----------------------------|--------------------------|
| DWI/DWAI/<br>Drug Related Convictions                              | None            | 11         | 18 Months                   | 24 Months                |
| (1 <sup>st</sup> time Pts-Accum Exempt)                            |                 |            |                             |                          |
| Aggravated<br>Unlicensed Op  | None            | 11         | 18 Months                   | 24 Months                |
| 1 <sup>st</sup> time AUO Pts Accum Exempt<br>(each other incident) |                 |            |                             |                          |
| Passing Stopped  | 5               | 8          | 18 Months                   | 24 Months                |
| School Bus   |                 |            |                             |                          |
| Vehs Exceeding the<br>height limit                                 | –               | 8          | 18 Months                   | 24 Months                |
| Striking a Bridge or<br>Abutment                                   | –               | 8          | 18 Months                   | 24 Months                |
| Speeding in a work<br>Zone (Varied)                                |                 | 8          | 18 Months                   | 24 Months                |
| Leaving Scene of<br>Pers. Inj. Crash                               | 3               | 5          | 18 Months                   | 24 Months                |
| Speed Contest<br>Or Race   | None            | 5          | 18 Months                   | 24 Months                |
| Failure to Use<br>Due Care   | 2               | 5          | 18 Months                   | 24 Months                |

Additional Adjustment: The 11 points for a first-time alcohol or drug-related driving conviction or operating on a suspended license (AUO) may be excluded for lookback points accumulation calculations.

