

New York drivers receive traffic tickets every day, including Driving under the Influence (VTL §1192), Speeding (VTL §1180), Stop Sign (VTL §1172), Cell Phone/Texting (VTL §1225), Uninsured (VTL §319), Unlicensed (VTL §509), Reckless Driving (VTL §1212), and Aggravated Unlicensed (VTL §511). Convictions for these offenses can have serious consequences.

In this guidebook, we will illustrate the possible consequences and penalties drivers face for various traffic violations. The information contained herein is general information and is not intended to provide legal advice. This information is subject to change, as new legislation and regulations are imposed regularly.

There is no substitute for the advice of a competent and experienced attorney. Our attorneys personally meet with our clients, run their driving abstracts, review their driving history, interview them about the facts of the case, review the tickets for sufficiency, and consider the venue and other factors to determine the proper strategy to obtain the best result.

Our attorneys are former prosecutors who will fight hard on your behalf. Mr. McGuire is a retired judge with 12 years experience presiding over traffic cases.



MP &B McGuire, Peláez & Bennett PC

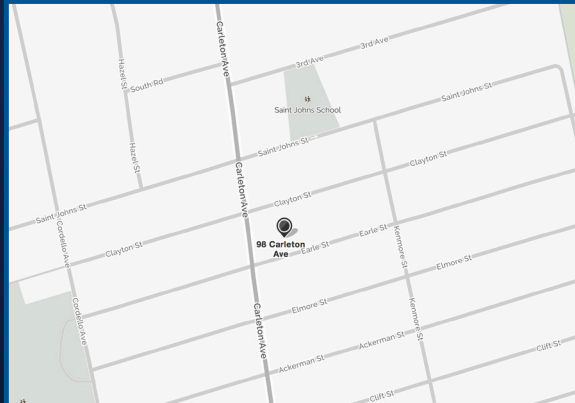
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Our office is open during normal business hours and we have staff available to answer your calls 24 hours a day, seven days a week. In addition, we are available in the early mornings, evenings and weekends by appointment for your convenience.

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This guidebook is for informational purposes. Since individual situations and legal issues vary, it is important to contact an attorney to discuss your specific legal situation.

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The Point System

If a motorist is assessed eleven points within any 18-month period, the Department of Motor Vehicles may suspend or revoke that motorist's license. In addition, any driver who accumulates six or more points will be required to pay a "Driver Responsibility Assessment Fee." The fee is paid to the DMV directly over a three-year period and is assessed at \$100 a year for three years for six points, plus \$25 for every additional point.

The New York State DMV point system for Speeding is assessed as follows:

- Speeding (1-10 m.p.h. over posted limit): 3 points
- Speeding (11-20 m.p.h. over posted limit): 4 points
- Speeding (21-30 m.p.h. over posted limit): 6 points
- Speeding (31-40 m.p.h. over posted limit): 8 points
- Speeding (more than 40 m.p.h. over posted limit): 11 points

Other Moving Violations:

- Reckless driving: 5 points
- Failing to stop for a school bus: 5 points
- Texting while driving: 5 points
- Following too closely (tailgating): 4 points
- Violation involving a traffic signal, stop sign, or yield sign: 3 points
- Railroad-crossing violation: 3 points
- Improper passing, unsafe lane change, driving left of center, or driving in wrong direction: 3 points
- Leaving the scene of an incident involving property damage or injury to a domestic animal: 3 points
- Other moving violations: 2 points

A motorist with points assessed can remove up to four points by taking an accident-prevention course approved by the New York State DMV.

Consequences

Criminal Convictions

Some traffic offenses are crimes. A guilty finding can result in a permanent criminal record, which can bar future employment or educational opportunities.

Examples of criminal traffic offenses include, but are not limited to:

- DWI
- Reckless Driving
- Driving with a Suspended License
- Leaving the Scene of an Accident with Personal Injury
- Vehicular Homicide

Penalties for Offenses:

Convictions on traffic violations and crimes can result in jail time, probation, points, the suspension or revocation of the motorist's license, high fines and surcharges.

Motorists with numerous alcohol/drug-related convictions, combined with serious driving violations, can lose their license for two years. In some instances, dangerous drivers can be given a lifetime ban.

Suspension or Revocation

If you receive eleven points or three speeding tickets in an 18-month period, the New York State DMV may suspend or revoke your license from 31 days to a year. You may be given a court date to determine the length of your suspension.

Insurance Implications

Traffic convictions can result in increases to your insurance premiums, to designation as an "assigned risk," or your carrier may drop coverage entirely.

Conclusion

If you receive a traffic ticket or are charged with a traffic crime, you need an experienced attorney to protect your rights. Our attorneys are former prosecutors who will fight hard on your behalf. Mr. McGuire is a retired judge with 12 years experience presiding over Vehicle and Traffic cases.

Call our offices immediately at 631-348-1702 and inform us that it is an emergency. We can be reached 24 hours a day 7 days a week. All consultations are free and confidential.

