

New York's DMV Rule Change (2026)

The dated record. The lawful disposition. The next step.

A New York practice coursebook with consequence references, AUO proof analysis, relicensing records and a completed client file.

PROGRAM FACULTY

Kimberly Juszczak • Eugene D. Toussaint • Mehdi Essmidi • David Ourlicht II

PRESENTED IN PARTNERSHIP WITH



**LATINO LAWYERS ASSOCIATION
OF QUEENS COUNTY**

Contents

About this course	3
Meet the faculty	5
Consequence quick reference	9
Chapter 1 The 2026 DMV amendments	11
Chapter 2 The point system and the twenty-four-month lookback	14
Chapter 3 Forums, TVB practice and DMV hearings	20
Chapter 4 VTL 511 aggravated unlicensed operation	24
Chapter 5 Licensing violations: VTL 509	31
Chapter 6 PIRP assessments and insurance	34
Chapter 7 Alcohol and drug history and relicensing	38
Chapter 8 Administrative rulemaking and implementation	51
Chapter 9 Tolls registration and professional drivers	53
Chapter 10 Emerging and supplemental issues	58
Chapter 11 Plea counseling and practical application	60
Practice tools	74
Glossary	80
Selected authorities	82

About this course

A traffic disposition can resolve a charge while leaving a client unable to drive or work. This course examines New York's 2026 DMV point changes and the legal analysis needed before recommending a traffic plea. It brings together the rules governing points, licensing offenses, financial assessments, relicensing and professional driving.

Presented through the Attorneys with Swag Learning Center in partnership with the Latino Lawyers Association of Queens County, the program is designed for attorneys handling traffic, criminal and administrative matters involving driving privileges.

Proposed New York CLE credit: 0.5 Areas of Professional Practice. Subject to approval of the final course.

Learning objectives

- Select the correct point value by violation date and identify the exact conduct covered by a regulatory category.
- Explain the discretionary Part 131 hearing framework without promising either an automatic sanction or immunity below eleven points.
- Separate the twenty-four-month point window from DRA, PIRP, TLC, CDL and alcohol/drug relicensing calculations.
- Identify the elements and procedural posture of a § 511 case, evaluate notice evidence and assess a proposed § 509 disposition under § 511(5).
- Distinguish the driver's license, New York operating privilege, commercial privilege and vehicle registration.
- Use a record-based comparison of dispositions, restoration steps and client priorities to give informed plea advice.

Using this coursebook

Read Chapters 1–2 for the date and point framework, then identify the forum in Chapter 3. Chapters 4–5 address licensing offenses and plea restrictions. Chapters 6–10 examine the additional consequences that can change a disposition's value. Chapter 11 applies the analysis through a completed client example and review questions.

Use the consequence reference for navigation and the completed Morgan record in §§11.7–11.10 as a companion to the six practice worksheets. Attempt the unseen problem in §11.11 before consulting §11.12. The glossary and linked authorities support later reference. All teaching records and specimens are fictional editorial supplements.

Legal authority review and editorial supplements: October 12, 2026. These educational materials do not provide advice for an individual matter.

© 2026 Attorneys with Swag Inc. Practice worksheets may be reproduced for individual client matters. Quality revision Q1 • October 12, 2026.

Editorial treatment. This coursebook organizes and supplements the recorded discussion. Legal corrections and practice analysis are editorial, not faculty quotations or evidence of faculty adoption. In particular, distinguish zero-point section 509 dispositions, AUO knowledge requirements, separate consequence windows and the nullification discussion in section 10.5. Examples are editorial hypotheticals.

Meet the faculty

Kimberly Juszczak, Esq.



Attorney, Traffic Court Pro PLLC; traffic-defense practice

Kimberly Juszczak is an attorney with Traffic Court Pro PLLC who represents drivers in New York City and the surrounding area. Her practice focuses on traffic violations and their consequences for a driver's license, insurance costs and ability to earn a living. She handles matters involving points, suspensions, revocations and driver-responsibility assessments.

Her clients include taxi, ride-share and black-car drivers whose work depends on maintaining their driving privileges and meeting Taxi and Limousine Commission requirements. A New York City native, she earned her B.A. from SUNY New Paltz and her J.D. from CUNY School of Law. She was admitted to practice in New York in 2016.

Education: B.A., SUNY New Paltz; J.D., CUNY School of Law

Admission: New York, 2016

Practice: Traffic Court Pro PLLC; traffic defense and professional-driver matters

Focus: License points, suspensions, revocations, assessments and TLC-related consequences

Meet the faculty continued

Eugene D. Toussaint, Esq.



President, Attorneys With Swag Inc.; Staff Attorney, The Legal Aid Society

Eugene D. Toussaint is President of Attorneys with Swag Inc. and a staff attorney in The Legal Aid Society's Criminal Defense Practice in Queens. As a public defender, he represents people facing criminal charges. He founded AWS to make legal knowledge accessible through its podcast, music, and community education programs, and serves as a host and showrunner.

He graduated from Mount Saint Vincent in 2010 after studying history and psychology and earned his J.D. from St. John's University School of Law in 2014. He was admitted to the New York bar in 2015. A Bronx native and first-generation college graduate, he developed his interest in public education and community organizing alongside his legal career.

Education: Mount Saint Vincent, 2010, history and psychology; J.D., St. John's University School of Law, 2014

Admission: New York, 2015

Leadership and practice: President, Attorneys With Swag Inc.; staff attorney, The Legal Aid Society, Queens Criminal Defense Practice; AWS host and showrunner

Meet the faculty continued

Mehdi Essmidi, Esq.



Founder, The Law Offices of Mehdi Essmidi, P.L.L.C.; AWS Co-host

Mehdi Essmidi is a New York criminal-defense and family-law attorney and founder of The Law Offices of Mehdi Essmidi, P.L.L.C. He previously served as a Bronx County assistant district attorney in the Domestic Violence Bureau and Trial Division. His practice includes DWI, weapons, federal criminal, and domestic-violence matters, as well as custody, child support, and orders of protection.

A New York Law School graduate, he was admitted in New York in 2016 and is also admitted before the U.S. Supreme Court and the Southern and Eastern Districts of New York. His professional service includes the New York City Bar's Family Law and Ethics Committees, the New York State Association of Criminal Defense Lawyers' Publication Committee, and the Joint Bar Associations' Task Force on the New York City Assigned Counsel Plan. He is an AWS co-host.

Education: J.D., New York Law School

Admissions: New York, 2016; U.S. Supreme Court; U.S. District Courts for the Southern and Eastern Districts of New York

Experience: Founder, The Law Offices of Mehdi Essmidi, P.L.L.C.; former Bronx assistant district attorney, Domestic Violence Bureau and Trial Division

Professional service: Family-law and ethics committees, criminal-defense publications, and assigned-counsel advocacy

Meet the faculty continued

David Ourlicht II, Esq.



Founder, Law Offices of David E. Ourlicht, PLLC; AWS Co-host

David Ourlicht II is a New York criminal-defense attorney and founder of the Law Offices of David E. Ourlicht, PLLC. His practice includes criminal defense and firearm licensing. Before entering private practice, he served as a public defender with The Legal Aid Society in Manhattan, representing clients facing misdemeanor and felony charges.

He graduated from CUNY School of Law in 2017 and was admitted in New York in 2019. During law school, he was recognized among National Jurist's 2017 Law Students of the Year. He was also a named plaintiff in *Floyd v. City of New York*, the challenge to unconstitutional and racially discriminatory NYPD stop-and-frisk practices. He is an AWS co-host whose professional background includes public defense, private litigation, and civil-rights advocacy.

Education: J.D., CUNY School of Law, 2017

Admission: New York, 2019

Experience: Founder, Law Offices of David E. Ourlicht, PLLC; former Manhattan public defender, The Legal Aid Society

Public-interest background: Named plaintiff, *Floyd v. City of New York*; National Jurist Law Students of the Year recognition, 2017

Consequence quick reference

Consequence reference: the driver

Use the conviction actually entered and the conduct date shown by the underlying record. A pending charge belongs in a separate scenario. The Morgan file in Chapter 11 supplies a completed example of this reference.

Consequence and trigger	Clock and controlling record	Decision-maker and next action
Assigned DMV points	Former values through February 15, 2026 conduct; new values from February 16. Compare summons, disposition and DMV entry. [1, 2]	DMV. Match the precise offense and exceptions; correct discrepancies. Chapter 1; §3.7.
Part 131 action: eleven total points, nine speeding points and other branches	Ordinarily twenty-four months by conduct date; separate four-points-in-twelve-months post-hearing branch. [3]	DMV. Check the branch, notices and single-alcohol-incident exception. No universal suspension term. Chapters 2–3.
Mandatory revocation: third qualifying speeding/VTL misdemeanor offense	Conduct within eighteen months; qualifying convictions and statutory exclusions. PIRP does not remove a conviction. [10]	DMV under §510. A total below eleven does not avoid this consequence. §2.6.
Point-based DRA: six or more points	Acts within eighteen months. Annually: \$100 + \$25 per point above six; three years. [5]	DMV. Reconcile groups, statements and payments; no PIRP deduction. Chapter 6.
PIRP: eligible approved course	Violations before and within eighteen months of completion; reduction no more than once in eighteen months. [4]	DMV. Up to four; no future bank or automatic reversal. Check receipt and action dates. Chapter 6.
Alcohol/refusal DRA; relicensing	\$250 annually for three years is separate from lifetime/defined twenty-five-year relicensing review. [6, 18]	DMV. Verify each occurrence, denial branch, wait, restrictions and available exception. Chapters 6–7.

Consequence reference: work, vehicle and review

Each open line needs an owner and the document that will close it. A conviction, paid invoice and agency clearance perform different functions. The supplied Morgan ledger shows those distinctions without leaving the work blank.

Consequence and trigger	Clock and controlling record	Decision-maker and next action
AUO charge; possible §509 resolution	Operation-date status, operation and knowledge proof; instrument and stage. §511(5) requires evidentiary review and an on-record determination. [7, 8, 14–17]	Prosecutor/court resolve the charge; DMV separately controls withdrawals. Chapters 4–5.
TLC persistent-violator case	Convictions within fifteen months; highest offense per incident. Six–nine: up to thirty-day suspension; ten or more: revocation, under governing procedures. [25]	TLC/OATH. Check course type and pre-adjudication timing; separately verify chauffeur's privilege. §9.3. [39]
CDL serious violations; reporting	Separate qualifying incidents within three years: two → sixty days; three → 120. Category/vehicle matter. Masking rule has broader vehicle reach. [23, 24]	DMV/reporting authorities. Verify ordinary and commercial status and covered-holder rules. §9.4.
Toll-related registration suspension	Three qualifying notices in five years from different-day transactions, or defined commercial-registrant \$200 branch. [21]	Toll authority/DMV. Timely hearing request holds proposed action in abeyance. Verify class, clearance and status. §9.2.
Review; interim driving authority	TVB: thirty days from conviction. Article 78: generally four months from final/binding action, subject to shorter law. [35, 36]	Agency/court. Check route, exhaustion, order and service. Filing is not a stay. §3.6. [38]
Insurance and employment	Actual policy, qualification rule, adverse notice and response date	Carrier/employer. Record governing terms, referral or retained scope. §§6.4, 9.5.

Chapter 1 The 2026 DMV amendments

1.1 A disposition now needs a second look

The amendment does more than change a chart. A charge that once carried no ordinary DMV points may now carry enough points to trigger an administrative inquiry on its own. That makes the precise offense, the conduct described in the regulation and the violation date essential parts of plea counseling. An older office chart, a familiar plea offer or a remembered practice from the prior year is not a sufficient basis for advice.^{1,3}

Three dates must be separated. The current regulation's amendment history identifies November 6, 2024. DMV's January 30, 2026 memorandum identifies the January 14, 2026 State Register notice and February 16, 2026 enforceability date for the revised point values and persistent-violator calculation. The memorandum expressly assigns former values to violations through February 15 and new values to violations on or after February 16. A later conviction does not change which side of that line the violation occupies.^{1,2}

DMV's January 16 announcement identified February 18 as the anticipated resumption of services following a technology shutdown. That operational date does not replace the point rule's enforceability date or establish how an individual record was processed.³⁴

1.2 What changed and what the category actually covers

The following comparison uses DMV's implementation memorandum for the former/new values and § 131.3(b) for the legal predicates. The new values apply to the post-February 15, 2026 conduct described above. It is a selected amendment table, not the entire point schedule.^{1,2}

Violation or defined incident	Former → new	Predicate and counseling significance
Alcohol/drug driving conviction or incident	0 → 11	§ 131.3(b) (1) (iii), incorporating § 136.5(a) (1); includes qualifying incidents, not only one form of DWI conviction
Operation while license or privilege is suspended/revoked	0 → 11	§ 131.3(b) (1) (ii); includes § 511 convictions and other incidents of driving during suspension/revocation
Passing a stopped school bus	5 → 8	§ 131.3(b) (2) (ii); DMV memorandum identifies VTL § 1174
Work-zone speeding	By speed → 8	§ 131.3(b) (2) (iv): violation of VTL § 1180(f), not simply any speeding ticket near road work

Violation or defined incident	Former → new	Predicate and counseling significance
Over-height / bridge-related conduct	0 → 8	§ 131.3(b) (2) (iii): VTL § 385(2) or (14); do not assign eight to every dimension or equipment violation
Leaving a personal-injury scene without reporting	3 → 5	§ 131.3(b) (4) (vii); distinguish property damage and animal injury
Failure to exercise due care	2 → 5	§ 131.3(b) (4) (v): VTL § 1146
Facilitating AUO	0 → 5	§ 131.3(b) (4) (iv): VTL § 511-a; a separate offense from the operator's AUO
Speed contest or race	0 → 5	§ 131.3(b) (4) (vi): VTL § 1182

Ordinary mobile-device violations remain five points under § 131.3(b)(4)(ii). Ordinary § 509 licensing violations remain zero-point matters; DMV expressly confirms that treatment in the January 30 memorandum. The difference between that zero-point disposition and the broader operation-during-suspension language deserves careful analysis, developed in Chapter 5. Do not turn the memorandum's description of § 509 into a guarantee that every possible consequence of the underlying episode disappears.^{1,2}

1.3 The transition is not a blanket erasure of older conduct

Consider two school-bus violations, one on February 15, 2026 and one on February 16. A conviction entered in September uses the former five-point assignment for the first and the new eight-point assignment for the second. The conviction date matters to when DMV receives and acts on the disposition; it does not select the point value.^{1,2}

Now change the question. Are older violations relevant when DMV applies the expanded lookback or reviews a relicensing application? That is not answered merely by proving that a particular offense keeps its former point value. The memorandum identifies the new twenty-four-month calculation beginning February 16, while § 136.5 separately directs review of an applicant's history. Analyze the specific action, applicable period and underlying record. Do not tell a client that all pre-February 16 conduct is legally invisible.^{2,3,18}

A transition question requires identification of the applicable rule and the consequence at issue. In the relicensing setting, the Court of Appeals has distinguished prospective consideration of a new application using earlier conduct from impermissible retroactive punishment. That decision concerned an earlier regulatory scheme; it does not resolve every challenge to the 2024 amendments.¹⁹

1.4 Four questions before using any point chart

First, what section and subdivision will be entered as the conviction? Second, what conduct and date does the record establish? Third, does the specific point category override a general zero-point or default category? Fourth, what separate action follows under a statute, another regulation or a professional licensing system?

A lawyer handling an over-height case, for example, needs the charged § 385 subdivision, the vehicle dimensions, the route, the date, the disposition and the operator/registrator identities. “Equipment ticket” is too broad. Similarly, the phrase “unlicensed” may describe lack of a valid license under § 509, knowledge of an active withdrawal under § 511, or a vehicle-registration problem under § 512. Those are distinct legal questions.^{1, 7, 8, 22}

1.5 A transition calculation from the actual charge

Assume a driver receives a school-bus summons for conduct on February 15, 2026. The original charge is VTL § 1174. The court enters a conviction for that charge on September 14. The assigned value is five points because the conduct preceded February 16. Change only the conduct date to February 16 and the assigned value becomes eight. Change only the conviction date and the point assignment does not change. This example isolates the transition question; the full record still determines whether other consequences apply.^{1, 2}

Now assume the filed disposition is a different offense. Counsel must read the disposition and classify that offense before calculating its points. The original summons establishes what was charged, not necessarily what DMV should enter as the conviction. A mistaken code on the transmitted record calls for correction supported by the certified disposition. Preserve both versions so the correction request explains the discrepancy rather than merely asking DMV to lower a total.

The same precision matters for work zones. The revised eight-point category names § 1180(f). A charge under another speeding provision does not become an eight-point work-zone conviction merely because a construction project was nearby. Conversely, the point consequence of a § 1180(f) conviction is not reduced to ordinary three-point speeding because the alleged excess speed was modest. Investigate the legal and factual basis for the charged subdivision before discussing a disposition.^{1, 2}

Participant exercise. A proposed resolution is described as “an equipment violation” in an over-height case. What information is missing? At minimum, the exact offense and subdivision, the violation date, the proposed entered disposition, the vehicle and responsible party, and any distinct licensing or registration issue. Section 385(2) and (14) appear in the specific eight-point category. A generic equipment label cannot override that express classification.¹

Chapter 2 The point system and the twenty-four-month lookback

2.1 Build the record before adding the numbers

The point system starts with a two-point default and then assigns specific exceptions. A useful abstract review therefore begins with classification, not arithmetic. For each entry, distinguish the original charge from the disposition, identify the violation date, and record whether a conviction is final, pending, corrected or disputed. For a pending ticket, calculate conditional scenarios rather than describing the alleged points as already imposed.¹

The full schedule includes important boundaries: ordinary speeding of 1–10 mph over is three points; 11–20 is four; 21–30 is six; 31–40 is eight; and more than 40 is eleven. Work-zone speeding has its own eight-point provision. Inadequate service brakes ordinarily carry four, but the employed-driver exception for conduct in the course of employment falls under the two-point default. A general website table should not displace the regulation when labels are ambiguous.¹

Points	Selected categories and precise regulatory location
11	Speed more than 40 mph over; operation during suspension/revocation; defined alcohol/drug incident. § 131.3(b)(1)
8	Speed 31–40 over; school bus; specified height/bridge offenses; § 1180(f) work zone. § 131.3(b)(2)
6	Speed 21–30 over. § 131.3(b)(3)
5	Reckless driving; device use; railroad crossing; § 511-a; § 1146; speed contest; personal-injury scene. § 131.3(b)(4)
4	Speed 11–20 over; following too closely; brakes subject to employed-driver exception. § 131.3(b)(5)
3	Other speeding; yield; signal/stop/yield sign; specified lane/passing/direction violations; property/animal scene; restraint for child under 16. § 131.3(b)(6)
2	Default for traffic violations not otherwise assigned. § 131.3(a)
0	General licensing/registration/insurance and other listed exclusions, subject to specific higher-value provisions; bicycle/pedestrian violations. § 131.3(b)(7)

All entries in this table derive from § 131.3. The category descriptions do not replace the underlying offense's elements. In particular, an ordinary adult seat-belt matter is not the same category as the enumerated restraint violation involving a child under sixteen.¹

2.2 Eleven points is a trigger within a larger framework

Section 131.4 uses “may” for the ordinary administrative responses. It allows a warning at four to six points in twenty-four months and a driver-improvement clinic at seven to ten. Eleven or more can lead to a formal hearing at which suspension or revocation may be considered. All eleven points arising from a single defined alcohol/drug incident are excepted from that particular persistent-violator trigger; the exception does not excuse the separate alcohol-related consequences.³

There are additional paths to a hearing. Nine speeding points in twenty-four months can qualify. Four additional points within twelve months after a formal hearing can qualify. Section 131.4(d) also permits a hearing when a motorist is charged with three or more point-bearing violations in an unusually short period. That provision concerns charges; it is not permission to add unadjudicated tickets to a conviction-based point total. A hearing based on a single eleven-point violation investigates that specific violation under VTL § 510(3)(a), rather than simply labeling the driver a habitual violator.^{3, 10}

This is why neither “nothing happens below eleven” nor “eleven always means thirty-one days” is reliable advice. The cited regulation does not prescribe a universal thirty-one-day suspension. The client's actual order, statutory mandatory consequences, prior record and procedural posture control. A discretionary hearing framework also does not promise that DMV must ignore a serious event.^{3, 10}

2.3 The windows answer different questions

System	Relevant clock	What counsel is calculating
Part 131	Twenty-four months; violation dates	Point-based administrative action; additional triggers also exist. 1, 3
Point-based DRA	Acts within eighteen months	Financial assessment; PIRP does not reduce this calculation. 5
PIRP	Violations before and within eighteen months preceding course completion	Up to four points for the suspension calculation; no future bank. 4
Alcohol/drug relicensing	Lifetime and defined twenty-five-year review	Eligibility, denial and waiting periods after revocation. 18

System	Relevant clock	What counsel is calculating
TLC Chapter 80	Fifteen months counted by conviction date	Combined TLC/DMV points under its separate program. 25
CDL serious violations	Separate incidents committed within three years	Defined commercial-driver suspension consequences. 23

The twenty-four-month amendment does not amend each of these other clocks. A single spreadsheet column called “active points” cannot safely perform all six analyses. Keep the inputs, statutory tests and outputs separate; then explain their combined practical effect to the client.

2.4 Worked example: one record, different answers

Assume an ordinary five-point device violation on January 10, 2025 and a six-point speeding violation on September 1, 2026, with convictions later entered for both. The conduct falls within twenty-four months, but those two acts alone are more than eighteen months apart. For the post-amendment Part 131 inquiry, counsel must consider the twenty-four-month record and the transition described in Chapter 1. For DRA, the lawyer must calculate an eighteen-month group rather than simply sending the eleven-point sum into the assessment formula.^{1, 2, 3, 5}

The September speeding conviction alone reaches six points and can trigger the base point-based DRA. The old device conviction might already have generated an assessment with other offenses, so the two-ticket hypothetical does not establish the client’s complete bill. Obtain the assessment statements and full history. If instead both acts occurred in March and September 2026, the eleven-point combination falls within both windows, and the ordinary point-based DRA formula produces \$225 annually for three years: \$100 plus five additional points at \$25 each.⁵

A lawyer should not promise that postponing adjudication until 2028 erases the exposure. The violation dates remain fixed. The timing and lawful basis of the eventual administrative action require analysis of the record then before DMV, not a prediction that an adjournment automatically defeats every consequence.^{1, 3}

2.5 Review the underlying documents, not just the screen

Obtain the ticket and disposition, a sufficiently complete driving record, suspension and revocation orders, pending-ticket information, PIRP documentation and existing assessment statements. A client’s screenshot may be a useful lead but may omit the historical notice and separate privilege information needed to advise on an AUO charge. Match identity, license class, dates and charge codes before treating an entry as correct.

When a record appears wrong, separate the disputed data from the legal effect of accurate data. Preserve the document showing the error and the relevant court disposition. Record what correction was requested and whether it was actually made. A request to correct a record is not proof that an active suspension has ended.

2.6 Mandatory revocation can arise below eleven points

The ordinary point hearing is only one route to a loss of operating authority. VTL § 510(2)(a) (iv) separately requires revocation upon a third qualifying speeding violation or qualifying Vehicle and Traffic Law misdemeanor committed within eighteen months. The statutory exclusions are part of that rule. Counsel must classify the convictions rather than assume every misdemeanor or every entry on a record qualifies. A defensive-driving course cannot remove one of the convictions from this statutory sequence.^{10, 28}

Consider three ordinary speeding violations, each ten miles per hour over the limit, on March 3, July 8 and September 21, 2026. Assume convictions are entered for all three, no statutory exclusion applies, and the dates and identities are accurate. Each is three points, for a total of nine. That record may implicate the separate nine-speeding-point hearing provision, but the more decisive inquiry is mandatory revocation for three qualifying speeding violations within eighteen months. A recommendation that focuses solely on remaining below eleven would miss the statutory consequence.^{1, 3, 10}

A reduction analysis therefore asks two questions: what points attach to the actual conviction, and does that conviction fall within an independent statutory trigger? Removing points and removing a qualifying predicate are different legal effects. Neither effect should be promised before the prosecutor's authority, the court's acceptance, the factual basis and the entered charge have been established.

2.7 A dated record with more than one relevant window

The following hypothetical assumes final convictions, accurate dates, no other tickets and no PIRP completion. It illustrates the calculations as of the September 2026 disposition; it does not predict an individual DMV order.

Violation date	Conviction date	Conviction	Assigned points
January 10 2025	March 5 2025	Ordinary device use	5
March 20 2026	May 7 2026	Stop sign	3
September 1 2026	September 28 2026	Ordinary speeding 21 to 30 mph over	6

All three acts fit within twenty-four months, yielding fourteen points for the relevant Part 131 grouping. The January 2025 and September 2026 acts cannot be combined as one eighteen-month DRA group. The March and September 2026 acts can be combined and total nine. The January 2025 and March 2026 pair also fits within eighteen months and totals eight. The lawyer should identify those overlapping groups and obtain the assessment history; the bill cannot be determined by adding two independently calculated three-year assessments without accounting for DMV's treatment of previously assessed points and payments. ^{1, 3, 5}

For the March–September nine-point group, the statutory formula is \$100 plus three additional points at \$25, or \$175 annually for three years. That is a \$525 formula result for that group before reconciliation with the actual assessment record. The fourteen-point Part 131 sum is not the DRA input. A pending case belongs in a separate scenario column until its disposition is known. ⁵

A useful work product is a dated consequence sheet identifying the documents, assumptions, applicable window and calculation. Retain that sheet with the plea advice. If a later conviction changes the calculation, counsel can then explain exactly which assumption changed.

2.8 A calculation that another lawyer can reproduce

The three-row record in §2.7 yields fourteen Part 131 points: $5 + 3 + 6$. Its January 10, 2025–September 1, 2026 span is less than twenty-four months and greater than eighteen. For the eighteen-month inquiry, January 10, 2025 plus eighteen calendar months is July 10, 2026. September 1 is outside that group. March 20, 2026 is inside it; the January–March pair totals eight. March 20, 2026 plus eighteen months is September 20, 2027, so the March–September pair totals nine. [1, 3, 5]

The nine-point group calculation is $\$100 + (9 - 6) \times \$25 = \$175$ annually; three years gives \$525. The eight-point group's formula is \$150 annually/\$450 over three years. Those are alternative group calculations, not an instruction to invoice \$975. The record does not supply prior assessments, credits or DMV's reconciliation. Put both qualifying groups in the research workpaper and obtain the actual account before stating a balance. This prevents a correct arithmetic operation from producing an incorrect client bill.

Changed fact: move the January device conduct to April 10, 2025 and retain the March and September 2026 acts. All fourteen points now fit in one eighteen-month group: April 10, 2025 plus eighteen months is October 10, 2026. The formula becomes $\$100 + 8 \times \$25 = \$300$ annually/\$900 over three years, before account reconciliation. Merely moving the device conviction date would not make that change. The input that changed was the conduct date, not the lawyer's consultation date. [5]

2.9 The below-eleven trap, resolved

For the three three-point speeding convictions in §2.6, the calculation is $3 + 3 + 3 = 9$. A qualifying course might affect an eligible point-based calculation, but it does not change the count of three qualifying convictions committed within eighteen months. Counsel's completed conclusion should therefore read: "Review mandatory revocation under §510(2)(a)(iv), as well as the nine-speeding-point hearing route. Do not advise that four-point reduction avoids the conviction-based consequence." Change the third entered conviction to an offense outside the statutory predicate category, after a lawful supported disposition, and the three-speeding predicate analysis changes; recalculate its actual assigned points separately. [3, 4, 10]

Chapter 3 Forums, TVB practice and DMV hearings

3.1 The forum determines the procedural question

The same driving episode may produce a noncriminal ticket, a criminal AUO charge, a registration matter and a later DMV licensing proceeding. Counsel should identify each docket and each notice separately. Resolving one does not necessarily terminate the others. DMV's NYC TVB handles specified noncriminal traffic matters; it does not handle criminal DWI/AUO prosecutions or ordinary parking and camera notices.^{7, 11, 22, 30}

Forum or proceeding	Core question	Preparation consequence
NYC TVB	Has the charged traffic infraction been established by clear and convincing evidence?	Prepare testimony, exhibits and charge-specific defenses; do not import a local prosecutor's customary plea offer. 11
Local court traffic matter	Is the infraction established under the applicable court procedure, or is a lawful disposition available?	Check the court, charging instrument, prosecutor's authority and local procedure; a negotiated outcome is not guaranteed.
Criminal AUO prosecution	Are the charged elements proved under criminal procedure?	Distinguish complaint sufficiency, information sufficiency and proof at trial. 7, 14, 16
DMV formal / safety hearing	Does the specified record or conduct warrant licensing action?	Identify the statutory/regulatory basis, preserve the administrative record and address mitigation relevant to that action. 3, 10
Toll-registration hearing	Are the regulatory conditions for the proposed registration suspension established?	Preserve the hearing deadline and separately resolve the tolling-authority account. 21

3.2 Build a hearing theory from the charge

At TVB, VTL § 227(1) places the burden on the People and requires clear and convincing evidence. That is different from criminal trial proof beyond a reasonable doubt. The administrative order is civil in nature but is treated as a conviction for Vehicle and Traffic Law purposes. A finding can therefore have substantial consequences even though the tribunal cannot impose imprisonment through that order.¹¹

Prepare the precise disputed element. For a speed case, that may involve the location, limit, observation, measurement and identification. For a work-zone charge, it includes the specific § 1180(f) predicate. For a licensing matter, it includes the license or privilege relevant to the charged operation. The point table does not supply proof of an offense. Ask what the officer observed, what documents establish, and what inference the tribunal is being asked to draw.

The client may provide documents, photographs or witnesses that address a disputed fact, but counsel should assess authenticity, relevance and the procedural method for offering them. Mitigation about employment or hardship is not interchangeable with a defense to the charge. Prepare both if appropriate, identifying which proposition each item supports.

3.3 Appearance requirements need current procedural checking

Section 123.5 bars an ordinary guilty plea by mail in enumerated cases, including a conviction that would create persistent-violator status or mandatory licensing action, specified speeding, a § 509 charge with two prior § 509 convictions in ten years, and a summons issued while the license or privilege was suspended or revoked. Other listed categories include certain junior and restricted/conditional licenses.¹²

Do not translate that regulation into the categorical statement that the client must always physically attend an office. DMV's current public instructions describe in-person and virtual hearings and a Statement in Place of Personal Appearance. Counsel should confirm which current procedure is available for the particular charge and required-appearance situation. Preserve the regulator's appearance requirement while checking its authorized method of compliance.³⁰

3.4 Officer absence is a rule-based inquiry

Section 124.9 generally provides for dismissal when an officer fails to appear without at least seven days' notice, but it includes enumerated exceptions: death in the family, illness or injury, immediate response to a crime or violation, a conflicting court appearance, and a police emergency. A first absence does not compel dismissal for a charge requiring the motorist's personal appearance. Unusual or exceptional circumstances can also matter.¹³

A later absence after an adjournment under the specified provisions has its own rule, including the substantial-traffic-safety-hazard exception. Counsel needs the adjournment history, the reason given, the notice timing and the applicable charge. "The officer did not come" is therefore an incomplete legal argument. Request a ruling under the precise subdivision and preserve the facts supporting the request.^{11,13}

3.5 Prepare the licensing proceeding as its own case

A point hearing is not a second chance to try every underlying ticket. Identify the particular hearing trigger, the convictions and dates relied on, any claimed correction, and the

applicable reduction or statutory exception. Assemble the orders, abstract, PIRP record, payment/clearance evidence and relevant work or caregiving documents. Check whether a suspension is already in effect rather than assuming the hearing notice itself authorizes driving.^{3, 4, 10}

An effective hardship presentation is concrete: actual work schedules, the kind of vehicle used, available transit, medical appointments, caregiving duties and realistic alternatives. Those facts can support an argument where discretion exists. They do not nullify a mandatory statutory consequence. Do not encourage a client to continue driving merely because the consequence would be economically severe.

Record preservation begins during the hearing. Identify exhibits, make focused objections, state requested rulings and retain the decision and service information. Review the actual appeal instructions immediately. Administrative and judicial review routes have different filing, record and stay requirements; filing an appeal should not be treated as automatic permission to drive.

3.6 Review routes and permission to drive

A TVB appeal and review of a different DMV hearing use different procedures. DMV directs a motorist appealing a TVB conviction to file within thirty days of the conviction and identifies form AA-33 and a \$10 nonrefundable appeal fee. Its guidance identifies AA-33A for other DMV hearing determinations. Obtain the correct notice and preserve the record promptly; do not calendar a generic “DMV appeal” deadline without identifying the decision. Filing does not itself establish a stay or restored driving authority.³⁵

For judicial review, CPLR 217(1) generally measures the Article 78 limitations period from a determination that is final and binding, subject to a shorter applicable period. Identify the final determination, notice, available administrative remedy and exhaustion issue. Do not use the general four-month provision as permission to ignore an earlier administrative deadline.³⁶

CPLR 7803 separates questions of legal error or arbitrary agency action from substantial-evidence review of a determination made after a hearing required by law. The applicable review question affects the record and argument. A petition challenging a point entry should identify the statutory or regulatory mistake and supporting disposition. A petition challenging a fact finding after a required hearing needs the hearing record and a reason why the applicable evidentiary standard was not met.³⁷

CPLR 7805 permits a stay on terms set by the court. A stay request is a distinct item of relief, not a consequence counsel should infer from filing a petition. Read the scope and effective date of any order actually granted. A stay of one action does not necessarily remove an independent withdrawal, registration defect or commercial restriction.³⁸

Preservation example. At a hearing, counsel contends that a school-bus violation committed February 15 was entered at eight points. Offer the summons and certified

disposition establishing the date, identify the applicable transition memorandum, request correction and obtain a ruling. If the agency rejects the request, retain the marked exhibits, decision and proof of service. The eventual review argument is materially stronger when the agency was asked to decide the exact discrepancy on an identifiable record.^{1,2}

3.7 Completed transition-discrepancy submission

Fictional written submission for an existing DMV proceeding; no official form or actual filing. Driver: Alex Rivera. Agency matter: Training R-26. Review date: October 8, 2026. Requested relief: correct the point assignment for the identified school-bus conviction; determine the effect of that correction on this proceeding. No request is made to alter the underlying judgment.

“Exhibit R1 is the summons identifying VTL §1174 and conduct on February 15, 2026. Exhibit R2 is the certified court disposition showing conviction of that charge on September 14, 2026. Exhibit R3 is the October 7 driving record, which assigns eight points to that conviction and contains no different conduct date. The January 30, 2026 DMV memorandum, page 2, assigns five points to a §1174 violation committed through February 15. Section 131.3(c) selects the violation date. Please correct this entry to five points, preserve the underlying exhibits in the record, and issue a written determination addressing any resulting change in the stated hearing basis.” [1, 2]

Why each exhibit matters. R1 supplies the operative conduct date and charged provision; R2 supplies the actual conviction; R3 identifies the agency discrepancy. The memorandum supplies the transition rule. A copy of the original charge alone could not exclude a later amended disposition. Counsel should obtain a marked exhibit list and ruling rather than rely on a telephone assurance that the record “will be fixed.”

Adverse variation. R2 instead identifies February 16 conduct after a corrected date was adjudicated. The request above is no longer supported. Investigate whether the certified disposition is itself wrong and use the competent procedure to address that record. Do not ask DMV to disregard an accurate disposition simply because R1 had an earlier date. If a hearing or appeal deadline is approaching, preserve the appropriate proceeding and ask for available relief with the discrepancy disclosed; an informal correction inquiry does not itself extend the deadline or stay an order. [35–38]

Chapter 4 VTL 511 aggravated unlicensed operation

4.1 Start with the elements, then determine the degree

Third-degree AUO requires operation of a motor vehicle on a public highway while the person knows or has reason to know that the person's license, New York operating privilege, or privilege of obtaining a license is suspended, revoked or otherwise withdrawn by the commissioner. The prosecution must connect the withdrawal to the date of operation and establish the required knowledge or reason to know. Possession of a physical license card does not resolve either question.⁷

The third-degree offense is a misdemeanor. Under § 511(1)(b), the ordinary sentence is a \$200–\$500 fine, up to thirty days' imprisonment, or both. Operation of a vehicle with a gross vehicle weight rating above 18,000 pounds invokes the higher fine range in § 511(1)(c). These are statutory components, not a complete estimate of surcharges, fees, administrative consequences or the sentence in a particular case.⁷

Second-degree AUO incorporates third-degree AUO and adds a specified circumstance: a qualifying prior offense within eighteen months; certain alcohol/refusal-related withdrawal; a specified suspension pending prosecution; or three or more qualifying failure-to-answer/appear/pay suspensions imposed on at least three separate dates. Count the statutorily qualifying dates and bases, not simply every line on an abstract. The penalty structure differs among subdivisions and includes authorized probation alternatives; do not describe jail as either universally avoidable or universally mandatory without reading the charged provision.⁷

First-degree AUO is a class E felony with several distinct routes, including specified second-degree AUO coupled with impaired operation, ten qualifying suspensions on ten separate dates, certain permanent revocation, impaired operation with the specified conditional license, and five enumerated withdrawals on separate dates. The cross-references are part of the offense analysis. A generic “multiple suspensions” description is inadequate.⁷

4.1A Degree analysis by statutory route

Use the following matrix after identifying the elements of third-degree AUO. It is a charging analysis, not a sentencing calculator. The prosecution must establish the predicates required for the particular route; the fact that another route might fit does not dispense with the charged theory.⁷

Degree and provision	Additional predicate	Record needed
Second § 511(2)(a)(i)	Previous conviction of an offense under § 511(1) or (2) committed within the preceding eighteen months	Prior accusatory instrument and disposition; prior offense date and conviction date, compared with the present offense date
Second § 511(2)(a)(ii) or (iii)	Specified alcohol or refusal withdrawal, or suspension pending prosecution	Actual order, effective date and statutory basis
Second § 511(2)(a)(iv)	Three qualifying suspensions on at least three separate dates under the identified failure provisions	Suspension chronology matched to the statutory grounds
First § 511(3)(a)(i)	Specified second-degree route plus operation in the prohibited impaired condition	Evidence of both the predicate route and impairment
First § 511(3)(a)(ii)	Third-degree elements plus ten qualifying suspensions on at least ten separate dates	Date-by-date record and legal basis of each counted suspension
First § 511(3)(a)(iii)	Third-degree elements plus the specified permanent revocation	Revocation order and statutory cross-reference
First § 511(3)(a)(iv)	Impaired operation while holding the specified conditional license	Conditional license terms, issuing authority and operation evidence
First § 511(3)(a)(v)	Third-degree elements plus five enumerated withdrawals on at least five separate dates	Enumerated predicate analysis; a raw total of five is insufficient

The fifth first-degree route is especially vulnerable to shorthand. The statute enumerates the kinds of withdrawals that count. Five administrative entries do not establish five qualifying dates, and five dates do not establish that the withdrawals rest on the required provisions. Prepare a predicate schedule with the date, basis, source document and reason each proposed predicate counts. If the record is incomplete, describe the count as unverified.⁷

Section 511 distinguishes sentence ranges by degree and branch. Third-degree fines differ for the specified heavy vehicle. The second-degree penalty branches contain different fine, imprisonment and probation provisions. First degree is a class E felony, with its own fine and Penal Law sentencing provisions and a specific rule for a definite term under subdivision (3)(a)(v). Counsel should attach the current charged penalty provision to the sentencing analysis rather than use a single office-wide “AUO penalty” estimate.⁷

4.2 Separate three standards of proof

The most useful lesson from the reported cases is procedural. A complaint may be sufficient to begin an action or support a plea after a valid waiver of prosecution by information, while the proof offered at trial still fails. An information has its own nonhearsay prima-facie requirement. Counsel must identify which instrument and standard are actually before the court.^{14, 15, 16}

Willis: do not omit the waiver. In *People v. Willis*, 44 N.Y.3d 14, 20–23 (2025), both defendants waived prosecution by information. The Court applied the reasonable-cause standard to the misdemeanor complaints. The allegations combined operation, suspension information, warnings on summonses, the asserted automatic suspension process and supporting DMV abstracts. The Court found a nonconclusory basis for the inference at that pleading stage. It did not hold that an abstract automatically proves guilt at trial.¹⁴

Thompson: an unexplained notation is not an explanation. The information in *People v. Thompson* relied on a “complied on” notation without explaining why it established knowledge. The Appellate Term held the instrument insufficient. Read that decision in its information posture and in light of *Willis*; do not use the older case as though the later Court of Appeals decision did not exist.^{15, 14}

Scott: a pleading victory is not a trial victory. *People v. Scott* sustained the information’s sufficiency but reversed on the trial evidence. The DMV witness did not adequately establish the Albany office’s mailing procedure, so the proposed presumption of receipt did not arise. The court also noted that the sufficiency challenge was unpreserved and reached it in the interest of justice. A practitioner should preserve the objection instead of relying on discretionary appellate rescue.¹⁶

Pilatasig: identify the evidence and the objection. *People v. Pilatasig* treated operation as provable circumstantially, but found the knowledge proof deficient. It explained the confrontation problem with a testimonial mailing affidavit and the different possibility of knowledgeable live testimony subject to cross-examination. The decision vacated the AUO count while leaving other convictions intact. That outcome illustrates why operation, licensing status, knowledge and each separate charge require individual analysis.¹⁷

4.2A Reading the AUO cases as a sequence

The four decisions below concern different questions. The practical value is in identifying what the court needed to decide and what proof would change the result.

Decision	Procedural question	What the lawyer should take from it
Willis 2025	Reasonable cause in misdemeanor complaints after waiver of information	Explain the inference from concrete allegations; do not apply a trial-proof standard to the complaint

Decision	Procedural question	What the lawyer should take from it
Thompson 2023	Sufficiency of an information	An unexplained record notation cannot supply its own meaning or the required nonhearsay factual showing
Scott 2015	Information sufficiency and sufficiency after trial	The pleading can survive while the proof of mailing fails at trial; preserve both issues separately
Pilatasig 2021	Operation evidence and knowledge proof at trial	Circumstantial operation proof can suffice while testimonial mailing material presents a separate confrontation problem

Assume a complaint alleges that the officer saw the defendant drive, that the DMV record shows several failure-to-answer suspensions, and that the pertinent summonses warned of suspension for nonresponse. The defendant is considering a plea and waiver of prosecution by information. Willis directs attention to whether those allegations provide reasonable cause; counsel should not predict dismissal merely because the officer did not personally mail each suspension notice. Before advising a waiver, identify the instrument, the allegations being relied upon and the procedural protection being relinquished.¹⁴

Change the posture to a trial. The prosecution offers an abstract and a witness from an office that did not conduct the relevant mailing. The witness does not know the sending office's practice. Scott explains why a conclusion about pleading sufficiency does not complete the trial inquiry. Ask what evidence connects the actual notice to an established mailing procedure or otherwise proves knowledge or reason to know. Preserve a focused legal-sufficiency argument that identifies the missing element and proof.¹⁶

Change the evidence again. The proponent offers an affidavit created to establish mailing in the prosecution. Pilatasig requires attention to whether it is testimonial and whether admitting it without the relevant witness violates confrontation rights. That does not bar all business records or make live proof impossible. Counsel must identify the document's function and the actual foundation, then distinguish admissibility from the weight of competent evidence.¹⁷

Finally, assume the information contains only an unexplained "complied on" entry as its basis for knowledge. Thompson illustrates the danger of treating an unexplained administrative code as a self-proving fact. Ask who can explain the entry and whether the charging instrument itself contains the necessary factual allegations. A later explanation outside the instrument is not automatically a cure for the instrument's original deficiency.¹⁵

4.3 A notice investigation needs more than “I never got it”

Obtain the relevant suspension order and its effective date; the address history; the summonses and their warnings; any court appearances or acknowledgments; the mailing proof; and the explanation for material abstract codes. Interview the client about what was received, what was understood and what was done. A bare denial of receipt may not defeat a properly supported inference. Conversely, a record of withdrawal does not eliminate the prosecution’s knowledge burden.^{7, 14, 16, 17}

If mailing is the theory, distinguish proof of actual mailing from evidence of an office practice designed to ensure proper addressing and mailing. Ask whether the witness knows the relevant process at the relevant time and place. A different office’s general familiarity may not establish the actual practice. Do not assume that every certified record is testimonial or that every DMV record is inadmissible; identify the document, purpose and governing evidentiary issue.^{16, 17}

The location and operation elements also deserve attention. Do not concede public-highway operation simply because the file contains an abstract. Circumstantial evidence may prove operation, and a client’s statement may raise separate admissibility and corroboration questions. Evaluate those issues in the procedural posture of the case rather than treating AUO as inherently indefensible.^{7, 17}

4.4 A reduction must be legally authorized

Section 511(5) ordinarily requires a guilty plea in satisfaction of a § 511 charge to include an offense under that section. The exception permits another disposition where the district attorney, after reviewing the available evidence, determines the § 511 charge is not warranted, states the basis on the record and consents, and the court accepts the plea. It is not a blanket license to substitute § 509 whenever everyone would prefer fewer points.⁷

Counsel should identify the evidentiary reason supporting the statutory determination, preserve the record and explain the exact benefit of the resulting charge. Do not manufacture a factual defect to obtain a reduction. A lawful § 509 disposition can materially reduce criminal and ordinary point exposure, but it does not itself terminate the underlying suspension or settle every professional-license issue.^{7, 8, 1, 2}

4.5 Restoration is a separate deliverable

The closing task is not simply obtaining a disposition sheet. List every active withdrawal and the agency or court responsible for clearing it. Determine whether the client must answer another matter, satisfy an assessment, complete a period, pay a termination fee, obtain approval to relicense, or resolve a registration issue. A payment receipt may show that one obligation was satisfied; it may not show that the operating privilege is valid.^{10, 32}

Section 511(4) recognizes a defense involving an out-of-state or foreign license valid for operation in New York under § 250. That wording does not mean every valid home-state card

defeats an active New York privilege withdrawal. Obtain both records and analyze validity for the operation at issue. The same discipline applies to the § 511(7) sentencing exception for specified support/tax suspensions: satisfying its conditions affects the mandatory penalties identified there, not necessarily every charge or restoration requirement.⁷

4.6 Completed notice-proof examination and objection

Fictional trial excerpt. Operation and the effective withdrawal are established for this limited exercise. The prosecution relies on presumed receipt of a mailed notice to establish knowledge. There is no admission, prior warning or other knowledge evidence in this assumed trial record. Witness Lee works in a local DMV office. Exhibit N1 is the status abstract; N2 is an affidavit prepared for the prosecution stating that the Albany office mailed the notice. These assumptions isolate the issue; they are not findings about Morgan's case.

Line	Question, answer or application
N-01	Counsel: Which office sent the notice at issue? Lee: Albany.
N-02	Counsel: Did you work in that office when this notice was processed? Lee: No.
N-03	Counsel: What knowledge do you have of how that office selected the address and delivered this notice for mailing? Lee: Only what I read in N2.
N-04	Counsel: Have you observed or administered that office's mailing system? Lee: No.
N-05	Counsel: Can you identify a contemporaneous mailing entry for this notice from personal knowledge of that system? Lee: No.
N-06	Prosecutor: I offer N2 as a certified business record.
N-07	Counsel: Objection to N2. It was prepared to prove mailing for this prosecution and supplies testimonial proof of the knowledge element. Certification does not cure confrontation or supply a competent foundation through this witness. I request exclusion under Pilatasig and the Pacer analysis it applies. [17]
N-08	Court: N2 is excluded. N1 remains admitted as evidence of status, subject to the arguments about what it proves.
N-09	Prosecutor: The People rest.
N-10	Counsel: I move to dismiss the §511 count for legally insufficient proof of knowledge or reason to know. N1 proves status; Lee supplied no competent mailing practice or actual mailing evidence. N2 was excluded. There is no other knowledge evidence on this stipulated exercise record. Scott distinguishes a sufficient pleading from this failed trial showing. [7, 16]

Line	Question, answer or application
N-11	Court: Motion granted on the specified element in this exercise.

Annotation. The examination ends after the foundation gap is established. It does not ask an unnecessary “so the notice was never sent?” question that the witness cannot answer. N-07 states the document-specific objection; N-10 separately challenges the remaining proof after the ruling. Exclusion alone does not guarantee dismissal if another source proves knowledge. Scott’s discretionary interest-of-justice review is not a preservation strategy.

Adverse answer. At N-03 Lee instead says: “I supervised Albany’s system during that month. This batch log records the notice, correct address, envelope insertion check and delivery to the postal carrier; I performed the final check.” Counsel should stop asserting that the witness knows nothing about Albany. Test the date, identity, address, batch link and any deviation; request the underlying log through the available procedure. Competent testimony may establish a mailing inference. A client’s denial of receipt must then be assessed with the full record, rather than treated as an automatic defense. Willis still concerns pleading after waiver; it does not decide this evidence question. [14, 16, 17]

4.7 A completed, bounded plea record

Fictional alternative following actual investigation, not a proposed shortcut. Assume the prosecutor has reviewed the notice records and affirmatively concluded that the available evidence does not warrant the §511 charge. The required determination belongs to the prosecutor; defense counsel cannot make it by labeling an offer “509.”

Prosecutor: “After reviewing the available evidence, including the address-correction acknowledgment, the notices sent to the superseded address, the absence of a competent mailing witness, and the absence of other available evidence establishing knowledge or reason to know on these particular facts, I determine that the §511 charge is not warranted. I state that basis under §511(5) and consent to a plea to §509(1) in satisfaction of it.”

Defense counsel: “The client understands that the proposed §509(1) disposition addresses this prosecution. It does not terminate the existing withdrawals. The client has received separate advice about the ordinary zero-point assignment and the unresolved professional and restoration issues.” Court: “I accept the prosecutor’s stated basis for the permitted disposition, subject to a sufficient and otherwise lawful plea proceeding.” [1, 2, 7, 8]

This excerpt completes the statutory determination and counseling distinction; it is not a universal plea allocution. The judge still must conduct the proceeding required in that case. Change the proof to a recorded admission of actual knowledge, and the rationale stated above may be false. Counsel must reassess the charge and lawful options instead of recycling the same recital. The law does not permit invented evidentiary shortcomings.

Chapter 5 Licensing violations: VTL 509

5.1 Identify the offense rather than the label

A licensing infraction under § 509 is a different offense from aggravated unlicensed operation under § 511. Section 509 contains several distinct prohibitions. A docket entry that says only “509” does not identify the conduct, available proof or precise penalty. Begin with the subsection on the accusatory instrument, the license class and restrictions in effect on the operation date, and the vehicle actually driven.⁸

Section 509(1) generally prohibits operation without being duly licensed. Other subdivisions address the wrong class, violation of restrictions, permission to operate, commercial endorsements, possession of a commercial license, medical certification and notification obligations. Some target the person operating; others target permission or a failure to report. Counsel should not treat an expired card, a withdrawn privilege and a missing endorsement as interchangeable facts.⁸

Provision	Question to investigate	Evidence to obtain
§ 509(1) and (1-a)	Was the operator duly licensed, including required commercial endorsements?	Historical license status, endorsements, vehicle classification and operation facts
§ 509(2)	Did the license class authorize this vehicle?	License class, vehicle registration, weight and use
§ 509(3)	Was an applicable license restriction violated?	The restriction itself, issuance history and facts of operation
§ 509(4)	Did a person knowingly authorize or permit operation contrary to § 509?	Ownership/control, permission and knowledge evidence
§ 509(7) and (7-a)	Was a commercial license carried, and were applicable medical-certification requirements satisfied?	License at the operation date, medical record and relevant notices
§ 509(8)–(10)	Does the charge concern address notification, a reported disability or multiple licenses?	The specific statutory duty, dates, submissions and other jurisdictions' records

These are screening questions, not a substitute for reading the charged subdivision. Section 509(5) and (6), for example, separately address multiple New York licenses and misuse of licenses; neither should be reduced to a generic “no license” allegation.⁸

5.2 Penalties and the point distinction

Section 509(11) supplies the general traffic-infraction penalty of a \$75–\$300 fine, imprisonment for no more than fifteen days, or both, subject to the exceptions in that subdivision. A license expired for no more than sixty days carries the specified maximum \$40 fine; violations of subdivisions seven or eight carry a fine not exceeding \$75. Section 509(12) separately increases fines for certain for-hire operation without the appropriate class: \$225–\$450 initially, \$375–\$750 after a qualifying prior within five years, and \$750–\$1,500 after two qualifying priors within ten years. Read the prior-offense conditions before selecting a range.⁸

The DMV’s January 30, 2026 implementation memorandum expressly retains zero points for ordinary § 509 violations. Section 131.3(b)(1)(ii) separately uses broader language concerning incidents of operation during suspension or revocation. That language requires analysis of a separately asserted agency action when one exists; it is not a basis to tell every client that every § 509 conviction automatically carries eleven points. Identify the entered offense, the existing withdrawal and any actual independent notice.^{1, 2, 3}

5.3 A lawful reduction is not a restoration order

A § 509 resolution may materially reduce criminal exposure compared with § 511 when the plea is legally available and accepted. It does not itself clear the underlying withdrawal. Section 511(5) limits pleas from specified AUO charges and provides an exception involving prosecutorial review, a stated conclusion that the original charge is unwarranted, and court consent. Familiar office practice cannot replace that statutory analysis.⁷

Worked example. A client charged with § 511(1) says, “My lawyer can get this down to 509, so I can drive tomorrow.” The abstract shows a current failure-to-answer suspension and a second unresolved assessment. Counsel should first assess the § 511 elements and notice proof, then the statutory authority for the proposed plea. The plea’s benefit and the steps to restore operation belong in separate parts of the advice. If the traffic matter is answered but the assessment remains unresolved, the client may still lack a valid privilege. A receipt or favorable disposition cannot substitute for a current status check.^{5, 7, 10}

The answer also changes if the alleged defect was only an expired license, if the client possessed a valid class but lacked the card, or if the vehicle required a commercial endorsement. Obtain the actual records before choosing a theory. Do not recommend a factually unsupported plea simply because its point label is favorable.

5.4 Four clients described as unlicensed

Expired license. A client held the appropriate license class but it expired forty days before the stop. Confirm the actual expiration date and the absence of a separate suspension. Section 509(11) provides the specified fine treatment for a license expired no more than sixty days. The facts do not establish knowing operation during a commissioner-imposed withdrawal merely because the card expired. Renewal is still a separate compliance task. ^{7,8}

License not carried. A commercial driver says the license was valid but left at home. Obtain the historical license and endorsements, not merely a newly issued replacement card. The possession charge differs from operating without ever holding the required class. VTL § 510-a(4-a) supplies a defined dismissal procedure for the specified possession charge when timely proof is furnished to both the court and issuing law-enforcement agency. ^{8,23}

Wrong class or endorsement. The client has a facially valid license but operates a vehicle outside its authority. The inquiry concerns the class, endorsements, vehicle weight and use. The correct statutory provision and any for-hire penalty must be identified. The absence of ordinary points does not answer the commercial-privilege or employment question. ^{8,23}

Active withdrawal. The client has an unexpired card but the New York privilege is suspended. The document in the wallet does not authorize operation. Analyze § 511's elements and the particular withdrawal, while separately evaluating whether a § 509 disposition is legally available. Counsel should not describe this client as equivalent to the forty-day expiration example. ^{7,8}

5.5 Explain the zero-point result precisely

DMV's implementation memorandum expressly says ordinary § 509 violations remain at zero points. An ordinary § 509 conviction does not automatically carry eleven points merely because the driver has a suspension. The broader incident language in § 131.3(b)(1)(ii) calls for investigation of any separate action actually asserted by DMV; it does not support inventing a universal eleven-point surcharge on every § 509 plea. If DMV alleges an independent operation-during-suspension incident, obtain the notice, factual basis and review route before advising its effect. ^{1,2}

A precise explanation to the client is: "The proposed § 509 conviction itself carries zero ordinary DMV points under the published memorandum. It will not clear your existing suspension. We must also resolve the identified withdrawal and any separate agency notice. We have not treated a hypothetical independent action as an action DMV has already taken." Add the actual criminal, professional and financial consequences supported by that client's record.

Chapter 6 PIRP assessments and insurance

6.1 Four different questions behind a point total

Clients often view points as a single account from which a defensive-driving course deducts a fixed balance. The violation remains on the record, however, and point reduction, Driver Responsibility Assessments, insurance pricing and professional-license consequences follow different rules. Identify the system affected and the dates it uses before recommending a course. ^{4, 5, 6, 25}

System	Relevant period or trigger	What a course does not establish
Part 131 administrative points	Generally the twenty-four-month violation-date window; separate triggers also apply	That a hearing or action is impossible below eleven points
PIRP point reduction	Eligible violations in the eighteen months preceding course completion; up to four points; once in eighteen months	Erasure, future credit or automatic reversal of an existing action
Point-based DRA	Six or more points from violations within eighteen months	Reduction of the assessment by PIRP
Alcohol/refusal DRA	The statutory alcohol/drug conviction or refusal event	Reduction through a defensive-driving course
TLC Persistent Violator Program	Qualifying convictions in fifteen months, with its own reduction rules	A four-point TLC deduction because DMV allows up to four

The first four rows derive from Part 131 and VTL §§ 503(4) and 1199; the last is a separate municipal licensing system discussed in Chapter 9. ^{3, 4, 5, 6, 25}

6.2 Apply PIRP to a dated record

Under § 131.5, approved course completion can reduce up to four points attributable to violations in the eighteen months before completion, with no point reduction more than once in eighteen months. The course does not operate as a bank against future tickets. Nor does the reduction change an administrative action already in effect when the course completion is entered on the record. Distinguish the completion date, the reporting date, the violation dates and the effective date of any DMV action.⁴

Worked example. A driver has a five-point violation on April 10 and a six-point violation on September 20, then completes an eligible course on October 5. Assuming the course is properly reported, both violations fall within the preceding eighteen months and up to four points may be considered under the reduction rule. The original violations remain, and other suspension grounds remain possible. If the driver incurs another violation after October 5, the earlier course does not supply unused credit for that future event. If an action was already effective when completion was entered, counsel cannot promise that the course reverses it.^{3,4}

Obtain the certificate, provider information and proof of reporting. If the client completed a different program, do not assume approval for DMV or TLC purposes. If a deadline is approaching, tell the client whether completion, agency entry, a hearing or an affirmative application is required; those events are not synonymous.

6.3 Calculate DRA independently

VTL § 503(4) imposes a point-based assessment when violations committed within eighteen months total six or more points. The base is \$100 annually for three years, plus \$25 annually for each point above six. At eight points, the statutory calculation is \$150 per year for three years, or \$450, before considering payments already made or another applicable assessment. The statute prevents PIRP from reducing points for this purpose. The assessment is separate from a court fine, surcharge or insurance premium.⁵

VTL § 1199 separately provides a \$250 annual assessment for three years for the specified alcohol/drug conviction or chemical-test refusal. Its treatment of a refusal and conviction arising from the same incident prevents a duplicate assessment under that section for that incident. Because the revised point rules now attach points to certain alcohol-related incidents, verify DMV's actual assessment and the applicable statutory provisions before advising how simultaneous bases interact. Do not mechanically add every published amount or assure the client that one bill resolves all obligations.^{1,6}

The violation date determines the eighteen-month point period; later conviction and processing dates affect when DMV assesses and bills. A delay in conviction therefore does not simply erase exposure by moving the conduct outside a present-day window. Track pending cases before evaluating a new plea. Failure to pay a required assessment can produce its own suspension under the statutes, independent of the original traffic matter.^{5,6,29}

Worked example. A client's January 2025 and September 2026 violations may be close enough for the twenty-four-month Part 131 analysis yet too far apart to combine under the eighteen-month DRA period. A third violation in March 2026 could change the DRA result. The missing facts are the actual violation dates, points and other violations that can enter either rolling period. Use a chronological list rather than subtracting a course from one global total.^{3,4,5}

6.4 Insurance and interstate consequences

PIRP also supplies a qualifying insurance-premium reduction: DMV describes a ten-percent reduction in the base rate of applicable liability and collision premiums for three years. That is not a promise of a ten-percent reduction in every charge on the policy or a guarantee against another rating change. Confirm the eligible insured, vehicle and coverage with the carrier. Keep this inquiry separate from the four-point administrative benefit.²⁸

An out-of-state license does not make New York's operating privilege irrelevant. New York can take action against the privilege to drive here, and the home jurisdiction may apply its own consequences. Obtain both records and the actual interstate treatment that matters to this client. A license card, a New York abstract and an insurer's renewal notice answer different questions. A representation covering one jurisdiction should say whether home-state advice remains to be obtained.^{7, 10, 32}

6.5 Distinguish inability to pay from failure to answer

Do not repeat an older generalization that every unpaid traffic fine automatically suspends a license. Current § 510(4-a) addresses failure to answer and related procedural defaults under its terms. That distinction does not eliminate other lawful withdrawals for unpaid assessments, toll-related registration matters or separate grounds. Identify the notice and statutory source of the particular withdrawal before advising payment, an appearance or an application. The client needs a route to cure the actual problem, not a generic instruction to "pay DMV."^{5, 6, 10, 21}

6.6 A completed calculation with a later violation

Assume two final convictions: five points for device use on April 10, 2026 and six for ordinary speeding on September 20, 2026. The client completes an eligible PIRP course on October 5, and DMV records it on October 12. No point reduction was obtained in the prior eighteen months. The client has no other relevant convictions and no action was already in effect. The two violations total eleven points within both eighteen and twenty-four months.

^{1, 3, 4, 5}

For the applicable suspension calculation, the qualifying course can reduce up to four points attributable to those preceding violations. The resulting arithmetic is seven, but the violations remain on the record, and a separate statutory or discretionary ground still needs review. For DRA, the input remains eleven: \$100 plus five times \$25 equals \$225 annually for three years, or \$675. The course does not reduce that statutory assessment.^{3, 4, 5}

If a new three-point violation occurs October 20, the October 5 course cannot be banked against it. The lawyer should recalculate the relevant record and obtain any updated assessment. If, instead, a suspension had already become effective before the October 12 record entry, the course cannot be represented as automatically reversing that action. The dates of completion and agency entry have different functions.^{4, 5}

Question	Result on these assumed facts
Original relevant points	Eleven from the April and September violations
Potential PIRP effect	Up to four points for the eligible administrative calculation
DRA formula input	Eleven points; no PIRP deduction
DRA formula result	\$225 each year for three years before payments or reconciliation
Future violation	Not covered by a previously completed course
Existing effective action	Not automatically undone when course completion is entered

6.7 The client payment and restoration ledger

Maintain separate lines for the court fine and surcharge, DRA, termination or application fees, toll debt, insurance and any required program expense. Identify who issued each demand and which consequence follows noncompliance. A payment to a court does not demonstrate satisfaction of a DMV assessment. An insurer's premium change is not a DMV licensing determination. ^{5, 6, 10}

Before closing a payment issue, match the receipt to the obligation, confirm the account posting and determine whether an affirmative clearance is required. If the client cannot pay, identify the actual available procedure for that obligation. Do not describe failure to pay a traffic fine as automatically producing the same current suspension rule as failure to answer a summons; inspect the statute, notice and date. Where VTL §§ 503 or 1199 authorize withdrawal for unpaid assessments, address that distinct authority directly. ^{5, 6, 10}

For insurance, ask which coverages and driver qualify for the PIRP benefit and what documentation the carrier requires. The agency guidance describes a reduction in applicable base premiums, not a complete calculation of the renewal bill. A client may obtain a qualifying course benefit and still receive a higher total premium because another rating factor changed. Obtain the actual policy and carrier explanation before quantifying savings. ²⁸

Chapter 7 Alcohol and drug history and relicensing

7.1 Sentencing and relicensing ask different questions

Relicensing requires a complete driving-history review. Part 136 governs DMV's review of applications after revocation through defined incidents, disqualification categories, waiting periods and a limited discretionary exception. The number of convictions alone does not answer every eligibility question. A criminal disposition and completion of its sentence do not guarantee approval of a later application.¹⁸

Section 136.5(a)(1) defines alcohol/drug-related driving incidents broadly. The definition includes specified convictions and findings, qualifying out-of-state offenses, certain youthful-offender adjudications, refusal determinations and other events identified there. It also avoids counting the specified refusal and conviction from the same occurrence twice. A "four DWI convictions" shorthand may therefore undercount some records and overcount others. Classify each event under the definition rather than relying on how a client describes it.¹⁸

7.2 Identify the correct denial or waiting category

Record described in § 136.5	General regulatory consequence on relicensing review
Four or more alcohol/drug-related driving incidents in a lifetime	Denial under subdivision (b)(1), subject to the regulation's limited exception framework
Three such incidents in the twenty-five-year lookback plus at least one serious driving offense	Denial under (b)(2)
Three in that lookback, no serious driving offense, and the current revocation is alcohol/drug related	At least five additional years before potential approval, with a restricted license and ignition-interlock conditions described in (b)(3)
Three in that lookback, no serious driving offense, and the current revocation is not alcohol/drug related	At least two additional years before potential approval, with the restrictions specified in (b)(4)

Record described in § 136.5	General regulatory consequence on relicensing review
Two such incidents in the lookback	Potential approval after the minimum revocation period under (b)(5); no unconditional right to approval

This is an initial screening table. Subdivisions (b)(6) and (7) separately address specified injury and fatality records. The waiting-period extensions for unauthorized driving appear in subdivisions (b)(3) and (4); subdivision (c) requires written reasons for denial. Section 7.5 below develops these additional branches. Satisfaction of one row does not dispose of every disqualification.¹⁸

The serious-driving-offense definition matters. Section 136.5(a)(2) covers a fatal accident, a driving-related Penal Law conviction, two or more qualifying violations carrying five or more points each, or twenty or more points from qualifying violations. The adopted amendment excludes alcohol- or drug-related driving convictions or incidents defined in § 136.5(a)(1) from both the two-high-point-violation branch and the twenty-point branch. Those exclusions became enforceable February 16, 2026. Do not count the new eleven alcohol-related points again as a qualifying violation under either of those two branches. A single qualifying five-point violation alone does not satisfy the two-violation branch. The original adopted rule text controls if a reproduced compilation omits the exclusion.^[18, 43–45]

7.3 Calculate the lookback from the regulatory anchor

The twenty-five-year lookback is not simply “twenty-five years before today.” Subdivisions (a)(3)–(4) anchor it to the revocable offense and address the earliest revocation not followed by restored licensure. The rule also treats specified offenses occurring after the revocable offense but before application review as occurring immediately before it. Identify that anchor and every relevant later event before declaring an older incident outside the calculation.¹⁸

Worked example. A client reports three alcohol-related incidents over twenty-two years and one recent five-point device conviction. That summary does not by itself establish the serious-driving-offense category: the two-five-point branch requires two qualifying violations. A second qualifying five-point event, a fatal accident or another defined serious event could change the answer. For relicensing, identify the revocable offense, whether the current revocation is alcohol related, and whether operation during a waiting period occurred. If the client still holds a license, also perform the separate Part 132 analysis in §§7.10–7.11. A new high-point conviction can trigger a current-license review, but it does not establish every condition for revocation.^[18, 42]

Compare a record containing four lifetime incidents. Even if only three fall within twenty-five years, the lifetime provision may independently apply. Conversely, an apparent fourth entry may be a refusal and conviction from the same occurrence that should not be counted

twice under the definition. Obtain certified disposition, refusal and licensing records rather than preparing an application from a client's recollection alone.¹⁸

7.4 Hardship evidence and the limits of judicial precedent

Subdivision (d) recognizes review for unusual, extenuating and compelling circumstances, with an express exclusion for the injury category in (b)(6). Counsel should describe that route as a narrow discretionary request, not a routine hardship license. Assemble proof that addresses why the circumstances are unusual and compelling, the client's history and the applicable disqualification. Employment need by itself does not establish that the agency must grant relief.¹⁸

In *Matter of Acevedo*, the Court of Appeals sustained the challenged earlier relicensing regulations against arguments involving delegated authority, rationality and retroactivity. The decision explains why a prospective licensing determination may consider earlier conduct; it does not turn relicensing into a new criminal sentence. The decision addressed an earlier regulatory scheme and should not be cited as a direct adjudication of the current four-incident threshold. Read the current text together with the decision's analysis rather than treating the case name as an answer to every later amendment.¹⁹

7.5 Complete the relicensing classification

The initial screening table should be applied with the additional conditions below. "May approve" is discretionary approval; it does not mean that a license springs back into effect when a calendar period ends. A2 restrictions limit operation under the terms imposed by DMV. Read the actual restriction and order before advising what travel is permitted.¹⁸

Regulatory branch	Additional consequence or condition
Three incidents no serious offense current alcohol revocation § 136.5(b)(3)	At least five years in addition to the statutory revocation period; discretionary approval followed by five years of A2 restrictions and ignition interlock in vehicles owned or operated
Three incidents no serious offense current nonalcohol revocation § 136.5(b)(4)	At least two additional years; discretionary approval followed by two years of A2 restrictions without that branch's interlock requirement
Driving during either waiting period	The applicable branch adds another five or two years; incidents can be indicated by accidents, convictions, pending tickets or adjudications
Specified later revocation of the A2 license under (b)(3) or (4)	A subsequent alcohol or drug incident or qualifying fatal-accident conviction brings the stated ineligibility for any license

Regulatory branch	Additional consequence or condition
Two specified impaired or intoxicated convictions each causing physical injury § 136.5(b)(6)	Denial; the unusual-circumstances exception in subdivision (d) does not apply
Otherwise eligible current alcohol-related fatal-accident revocation § 136.5(b)(7)	Discretionary approval after the minimum period, with three years of A2 restrictions and ignition interlock
Pending alcohol charge meeting § 136.5(e)	Application held in abeyance where the stated two-incident history and potential denial condition are present

Subdivision (c) requires written grounds for denial. Subdivision (d) governs the limited unusual-circumstances request. Subdivision (e) also permits rescission when later information shows the application should have been denied or the applicant drove before approval, or after approval but before obtaining a valid permit or license. An approval notice and an actually valid issued credential are different events.¹⁸

7.6 Count incidents once and anchor the period correctly

Assume a client's earliest untermiated revocation rests on conduct of June 10, 2024. The defined twenty-five-year period begins June 10, 1999 and includes June 10, 2024. It is not measured backward from an October 2026 consultation. A qualifying event before that period may be outside the twenty-five-year branch while remaining relevant to the lifetime branch. Events after the revocable offense and before review receive the special treatment in subdivision (a)(4).¹⁸

Suppose the record shows an out-of-state impaired-driving conviction from 1997, a 2004 New York conviction, a refusal and § 1192 conviction from one 2015 occurrence, and the 2024 revocable incident. If all four occurrences meet the definition, the lifetime total is four, not five. Three fall within the assumed twenty-five-year period, but the four-lifetime branch remains independently dispositive under the ordinary denial policy. Counsel cannot avoid it simply by moving the consultation date or counting only recent convictions.¹⁸

Now remove the 1997 event. If the record has three qualifying incidents within the period, determine whether it also contains a defined serious driving offense. A single five-point device conviction does not satisfy the two-five-point-violation branch. Add a separate six-point speeding conviction and that branch requires analysis. A fatal accident, driving-related Penal Law conviction or the defined twenty-point accumulation can independently supply a serious driving offense. Do not apply the ordinary eighteen- or twenty-four-month point window to this different twenty-five-year inquiry.¹⁸

The working record should list occurrence date, jurisdiction, disposition, offense definition, refusal findings, whether entries concern the same occurrence, and the source document. Out-of-state labels require analysis under the regulatory definition. A client's phrase "that DWI was dismissed" may omit a surviving refusal determination; conversely, counting both entries may exaggerate the record. Obtain the actual adjudications.

7.7 Develop a supported discretionary request

First identify the denial branch and whether subdivision (d) is legally available. A hardship narrative cannot overcome the express exclusion for subdivision (b)(6). Where the exception is available, address why the circumstances are unusual, extenuating and compelling in relation to the person's record and requested relief. Ordinary inconvenience is not a legal entitlement to a license.¹⁸

A developed submission may include a verified incident chronology, treatment and rehabilitation evidence, compliance records, the precise work or medical need, alternative transportation analysis, corroborating documents, and a proposed restricted travel plan. These are suggested proof categories, not a statutory checklist or assurance of success. Each exhibit should support a concrete factual proposition. An employer letter should describe actual hours, location and duties rather than merely state that the employee is valued.

For example, a request based on recurring medical transportation should identify the appointments, the patient's mobility needs, available transit, why reasonable alternatives fail, and whether another licensed driver can provide transportation. Address contrary facts candidly, including unauthorized driving. The regulation permits written discretionary reasons for approval; a useful submission gives the agency a supportable factual basis to evaluate rather than asking it to disregard the driving history.¹⁸

7.8 Completed incident schedule and exception analysis

Fictional relicensing file, separate from Morgan. Applicant: Casey Reed. Earliest untermiated revocation: June 10, 2024 conduct, alcohol related. Application review is assumed on October 1, 2026. The supplied records establish the following, with no later unauthorized operation and no other serious-driving category unless expressly changed below.

Exhibit	Record supplied	Counting result
C1	Out-of-state judgment: impaired motor-vehicle operation, April 4, 1997; statute and disposition establish a qualifying alcohol conviction	One lifetime incident; outside June 10, 1999–June 10, 2024
C2	New York §1192 conviction arising from August 8, 2004 operation	One lifetime and one lookback incident

Exhibit	Record supplied	Counting result
C3	Refusal determination and §1192 conviction arising from the same May 9, 2015 stop	One occurrence, not two
C4	§1192 conviction and current revocation arising from June 10, 2024 operation; no subsequent relicensing approval	One occurrence; fixes the assumed lookback anchor
C5	One five-point device conviction from February 2, 2023; no fatal accident, driving-related Penal Law conviction or other point entries	Does not alone establish the two-five-point serious-offense branch

Completed classification. The file has four qualifying lifetime occurrences, three in the defined period. Subdivision (b)(1) supplies the ordinary denial result even though C1 is older than twenty-five years. An application cannot omit C1 because the client remembers only the three New York matters. The source records establish that C3's two entries concern one event. [18]

Material change. Remove C1 because a competent corrected judgment establishes that it concerns another person, not merely because the applicant wishes it excluded. Three qualifying incidents remain. With no serious offense and a current alcohol-related revocation, (b)(3) supplies at least five additional years after the statutory period, followed by discretionary approval, five years of A2 restrictions and interlock conditions. Add a separate six-point speeding conviction within the relevant review period and C5 plus that conviction satisfy the two-five-point serious-offense branch, producing the different (b)(2) denial analysis. [18]

7.9 Completed narrow hardship submission

Teaching specimen based on the unchanged four-occurrence file. The following additional fictional exhibits support an exception request; they do not establish entitlement. H1 is a physician's September 20 letter: Casey's child requires treatment at 7:00 a.m. three days weekly for twelve weeks, cannot safely use a crowded bus during treatment, and needs an accompanying adult. H2 is the clinic's dated appointment schedule. H3 is a transit and household memorandum: the earliest bus arrives 8:10 a.m.; the other licensed caregiver works 6:00 a.m.–2:00 p.m.; that employer denied a temporary shift change in a September 22 letter. H4 is a transport quote of \$96 per round trip for 36 appointments: \$3,456. The household budget leaves \$240 monthly after necessary expenses, or \$720 for the three-month treatment period; the file identifies no other affordable transport. H5 is the treatment provider's compliance report and the corrected full driving chronology. These are supplied exercise facts, not medical advice or an actual applicant's records.

“I request consideration under §136.5(d). I acknowledge the four qualifying lifetime occurrences in C1–C4 and the ordinary denial rule in (b)(1). I do not ask DMV to exclude an accurate older incident. H1–H4 document a time-limited medical transport need and why identified alternatives do not presently cover it. H5 supplies the compliance history for evaluation alongside the adverse driving record. I request only such restricted authority as the Commissioner finds lawful and appropriate for the stated treatment period, including any required interlock and route conditions. I will not operate unless approval is granted and I obtain a valid credential authorizing the trip. If the request is denied, please provide the written grounds required by subdivision (c).” [18]

Analysis. The request links facts to unusual circumstances and addresses available alternatives rather than relying on a generalized need to work. It acknowledges the disqualification, supplies corroboration and requests bounded relief. The agency may still find the circumstances insufficient. Acevedo supports the agency’s earlier relicensing framework; it does not decide that this applicant must receive an exception or validate every later amendment. [19]

Adverse variations. If Casey falls under the two-injury category in (b)(6), subdivision (d) expressly does not apply: do not submit this as an available exception. If an affordable licensed transport service can meet every appointment, the alternatives premise fails and must be disclosed. If Casey drove during a (b)(3) waiting period, analyze the additional waiting consequence and disclose the event; a sympathetic medical explanation does not erase it. If approval is granted but no valid credential has issued, the letter still does not authorize driving. [18]

7.10 A current license and an application for relicensing require different analyses

Part 132 addresses a driver who holds a license when DMV receives notice of a new high-point conviction. Section 132.2 requires a lifetime record review and, if the record meets the dangerous-repeat-offender definition, a proposed revocation with an opportunity to request a hearing before it takes effect. Section 136.5 addresses a later application for relicensing after revocation. A lawyer advising a licensed driver about a five-point plea must examine both the immediate Part 132 exposure and the possible consequences of needing a new license. [18, 42]

Part 132 supplies its own definitions. A high-point driving violation carries at least five points under § 131.3. Its qualifying alcohol/drug events include a § 1192 conviction, a qualifying § 1192-a finding subject to its retention limit, a Penal Law conviction with a § 1192 violation as an essential element, or a § 1194 refusal finding. Events from the same incident are not counted twice. Do not automatically import § 136.5’s broader wording about youthful-offender adjudications, out-of-state convictions and other findings into § 132.1. Check the exact disposition, jurisdiction and definition. [18, 42]

Question	Part 132: proposed revocation of a current license	Section 136.5: application for relicensing
What starts the review?	DMV receives notice of a conviction carrying at least five points. A charge or an assumed future conviction is not the § 132.2 trigger.	DMV receives an application for relicensing. The current withdrawal and its underlying revocable offense must be identified.
Which alcohol-history thresholds apply?	Five or more qualifying lifetime incidents; or three or four in the defined twenty-five-year period plus a serious driving offense in that period.	Four or more qualifying lifetime incidents; or three in the defined twenty-five-year period plus a serious driving offense. Other branches address waiting periods, injuries and restrictions.
Which date anchors twenty-five years?	The conduct date of the high-point violation triggering review.	The date of the revocable offense defined in § 136.5(a) (4), including its rule for the earliest unexpired revocation and later conduct.
How does the two-high-point branch work?	Two other high-point convictions. Exclude the violation triggering the Part 132 review.	Two qualifying five-or-more-point convictions; exclude the alcohol/drug incidents defined in § 136.5(a) (1). The Part 132 exclusion for the triggering ticket does not carry over.
How does the twenty-point branch work?	Twenty or more points from violations other than the one triggering review.	Twenty or more points from violations other than the defined alcohol/drug incidents.
What else can qualify as serious?	A fatal accident or a driving-related Penal Law conviction under § 132.1(d).	A fatal accident or a driving-related Penal Law conviction under § 136.5(a) (2).
What relief and process apply?	A proposed order and the Part 132 hearing route. Section 132.3 confines the hearing to unusual, extenuating and compelling circumstances and requires consideration of the entire record.	Written denial grounds; the applicable branch, waiting period and restrictions; possible § 136.5(d) discretion, which does not apply to (b) (6). See §§7.3–7.9.

Authorities for the comparison: 15 NYCRR §§ 132.1–132.3 and 136.5; the adopted 2024 text and 2026 enforceability notice establish the amended § 136.5 exclusions. The Part 132 five-lifetime threshold and the Part 136 four-lifetime threshold are different. The 2024

amendment materials reviewed here amend §§ 131.3, 131.4, 136.5 and 136.6; they do not amend Part 132. [18, 42–45]

The hearing is not a second trial of the underlying ticket. Section 132.3 identifies its purpose as deciding whether unusual, extenuating and compelling circumstances justify preventing the proposed revocation. The ALJ otherwise confirms the proposed action. Counsel should separately preserve genuine identity, record, date or classification errors and the appropriate avenue for review; do not promise that the hardship hearing will reopen a final conviction. The notice controls the initial response instructions. DMV's published guidance identifies AA-33A and a sixty-day appeal period for a safety-hearing determination. That route differs from the thirty-day TVB ticket appeal discussed in §3.6. A filing alone should never be treated as authority to drive. [35, 42, 46]

7.11 Completed comparison: Riley's five-point ticket and older record

Fictional record. Riley is a New York license holder with no CDL or TLC license. The supplied training records show a valid, unrestricted license was reissued in 2010 after the earlier withdrawals ended. The record contains the following independent incidents and no others. All three alcohol cases are New York adult § 1192(1) convictions for driving while ability impaired by alcohol; none involves death or physical injury. There is no driving-related Penal Law conviction, pending ticket, separate refusal entry or other uncompleted withdrawal. Riley receives a five-point device conviction on October 5, 2026 for conduct on September 15, 2026. These facts are supplied for analysis; they are not facts from the episode.

Underlying conduct	Disposition / record	Use in the October 2026 review
March 1, 2002	§ 1192(1) conviction, June 3, 2002	One alcohol incident inside the Part 132 twenty-five-year period.
August 12, 2005	§ 1192(1) conviction, November 7, 2005	Second qualifying alcohol incident.
February 20, 2008	§ 1192(1) conviction, May 19, 2008	Third qualifying alcohol incident. The record proves later lawful relicensing in 2010.
April 15, 2011	§ 1180(d), 76 mph in a 50 mph zone: six points; conviction July 11, 2011	One other high-point conviction within twenty-five years.
June 20, 2019	§ 1225-d portable-device conviction, September 9, 2019: five points	Second other high-point conviction within twenty-five years.

Underlying conduct	Disposition / record	Use in the October 2026 review
September 15, 2026	§ 1225-d portable-device conviction, October 5, 2026: five points	New high-point conviction triggering Part 132 review; exclude it from the two-other-violation and twenty-other-point tests.

Supplied supporting records. The following condensed excerpts complete the fictional record used in this exercise. Their entries are stipulated facts for the worked analysis; a real matter requires the underlying authenticated records and current status.

Training exhibit	Completed record excerpt	What it establishes
A – lifetime abstract, generated October 12, 2026	Riley; New York Class D; current status VALID. History contains the six conduct/disposition entries in the preceding table. No other conviction, refusal finding, fatal accident, injury event or open withdrawal appears in the supplied lifetime history.	The count uses the complete supplied history and links each listed entry to one driver.
B – certified-disposition schedule, condensed	The three alcohol dispositions identify § 1192(1), with the separate conduct and conviction dates above. The speeding disposition records § 1180(d), 76 mph in a 50 mph zone. Both device dispositions identify § 1225-d. None is a youthful-offender adjudication, out-of-state disposition or duplicate refusal entry.	The actual subdivisions and dates support classification. The speeding excess is 26 mph, within the six-point band.
C – licensing file, May 3, 2010	A new unrestricted Class D license issued. Every earlier suspension and revocation had terminated; the supplied file contains no continuing restriction or unserved withdrawal.	The later § 136.5 example cannot use an older unterminated revocation merely because an older conviction remains on the lifetime abstract.
D – status response, October 12, 2026	License status remains VALID; the October 5 device conviction is posted. No proposed Part 132 order, hearing notice or effective new revocation is included in the supplied response or correspondence file.	The new conviction supports the Part 132 analysis. This status response does not supply a hearing deadline, exception or stay, or prove that no proposed order will follow.

Completed count. The Part 132 window begins September 15, 2001 and ends September 15, 2026. The 2002, 2005 and 2008 incidents all fall inside it: three qualifying alcohol incidents, not five. The 2011 six-point speeding conviction and 2019 five-point device conviction are two other high-point violations. They establish the serious-driving-offense branch even though their eleven combined points do not meet the separate twenty-point branch. The new 2026 device conviction supplies the review trigger, but is not used as one of those two other violations. Riley therefore meets § 132.1(b)(2), and § 132.2 calls for a proposed revocation and a hearing opportunity. [42]

The short windows give a different answer. Only the September 15, 2026 five-point conduct falls inside the twenty-four months ending that date or the corresponding eighteen-month DRA period. The 2011 and 2019 points are outside both. Five points alone do not meet the eleven-point ordinary-hearing threshold or the six-point DRA threshold. That does not eliminate Part 132 exposure. A four-point PIRP reduction likewise does not erase either older conviction or the underlying high-point classification. Chapter 2's point calculation and this lifetime/long-lookback review answer different questions. [1, 3–5, 42]

The dates also explain why the 2019 five-point ticket did not necessarily produce the same Part 132 result. At that time, excluding the 2019 triggering violation leaves only the 2011 six-point conviction as another high-point violation. On the stated record, there was neither a second other high-point conviction nor twenty other points, a fatal accident or a driving-related Penal Law conviction. The 2026 ticket changes the record-review result because the 2019 conviction now sits in the earlier record; it is no longer the excluded trigger. [42]

If the proposed 2026 revocation is confirmed, a subsequent relicensing application presents another question. Assume the 2010 relicensing ended every older revocation and the September 15, 2026 conduct is the revocable offense underlying the new application. The § 136.5 lookback then also begins September 15, 2001. Three qualifying alcohol incidents and the qualifying non-alcohol high-point convictions place this record within § 136.5(b)(2). The new device conviction is not excluded merely because it triggered Part 132; the two older high-point convictions already suffice in any event. The ordinary result is denial under (b) (2), subject to the properly supported and limited discretionary inquiry under (d). There is no promised five-year return date under the no-serious-offense branch. [18, 43–45]

Completed counseling note — October 12, 2026. “Riley’s October 5 device conviction creates a Part 132 risk despite a current five-point ordinary total. I checked the certified dispositions, the 2010 relicensing record and the three separate point events. Three alcohol incidents fall within September 15, 2001–September 15, 2026; two other high-point convictions establish the serious-offense condition. We will obtain and calendar any proposed revocation notice, preserve its hearing response, and check the actual license status. Our file does not establish a granted exception or stay. If revocation becomes effective, Riley must stop driving. We will not tell Riley that completing a course, needing a car for work or waiting out the minimum statutory period guarantees a license. The present record supports the expected Part 132 and later § 136.5(b)(2) consequences; any requested

exception needs evidence addressing the complete driving history and the claimed circumstances.” [18, 42, 46]

Completed evidence review. Exhibits A and B supply the count and classification; Exhibit C establishes the termination of the older withdrawals; Exhibit D supplies the current status. No hardship proof is supplied. Counsel’s next task is to obtain any proposed order and its service record and, if Riley seeks an exception, collect independent support for the claimed need and feasible transport alternatives. The existing record supports the count; it does not support asserting a medical condition, a clean record or a guaranteed exception.

Changed fact A — correct the earlier speeding disposition. Replace Exhibit B’s speeding entry with a certified amended disposition establishing 66 mph in a 50 mph zone for the April 15, 2011 violation. Sixteen mph over the limit carries four points, not six. Keep all other facts unchanged. The Part 132 review still starts because the 2026 conviction carries five points. Excluding that trigger, however, only the 2019 device conviction is high-point; the two other point events total four plus five, or nine. With three lifetime alcohol incidents, no fatal accident and no driving-related Penal Law conviction, the supplied record no longer meets either dangerous-repeat-offender branch. Counsel should submit the corrected disposition and request correction of a proposed Part 132 action based on the erroneous six-point entry. This is a record-classification issue, not a plea for hardship. It does not prevent any different action supported by another valid authority. [1, 42]

Reasoned further consequence. Changed fact A does not establish that a later relicensing application would be approved. If an independently valid revocation based on the September 15, 2026 conduct required a new application, § 136.5 would count the 2019 and 2026 five-point non-alcohol convictions as two qualifying high-point violations. Unlike Part 132, it does not exclude the new conviction just because that conviction prompted review. With the three alcohol incidents inside the anchored period, (b)(2) could still control. The actual revocation basis and anchor must be established before applying that conclusion. [18, 43–45]

Changed fact B — an additional older alcohol incident. Starting with changed fact A’s corrected four-point speeding disposition, add a separate New York § 1192(1) conviction entered October 2, 1995 for July 1, 1995 conduct; the older withdrawal also ended before the supplied 2010 relicensing. Four lifetime alcohol incidents do not equal Part 132’s five-lifetime threshold. The 1995 event is outside the September 15, 2001–September 15, 2026 period, which still contains three; the serious-offense condition still fails on the corrected Part 132 record. A later § 136.5 application, however, would encounter the four-lifetime-incident branch in (b)(1), even though the added event is outside twenty-five years. Counsel must explain both outcomes without changing “five” to “four” across the two regulations. [18, 42]

7.12 Negative units are a further relicensing screen

Part 136 also uses negative units to assess safety factors. These are not ordinary DMV points, DRA points or TLC points. Section 136.4(a)(3) identifies twenty-five or more negative units as a denial ground, subject to the separate discretionary framework in § 136.4(f). Section 136.6 assigns weights by incident date relative to the application, with a within-one-year column and an over-one-to-four-years column. Its amended table became enforceable February 16, 2026. PIRP does not reduce negative units. A record that does not meet the twenty-five-unit threshold may still face other denial grounds. [45, 47]

Completed comparison using Riley's original record. For an October 12, 2026 computation, only the September 15, 2026 device incident lies within the table's four-year horizon, and it is less than one year old. It contributes eleven negative units. The 2011 and 2019 violations and the 2002–2008 alcohol incidents contribute none to this particular four-year total. Eleven is below twenty-five. Nevertheless, the older record remains relevant to the distinct § 136.5 lifetime/twenty-five-year analysis developed above. This calculation does not mean Riley may apply before any required period ends or drive without a valid license. [18, 47]

Changed-fact calculation. For a different applicant's hypothetical October 12, 2026 screen, the established independent safety factors are a device incident on March 1, 2026, a red-light violation on June 1, 2026 and operation during a non-alcohol-related suspension on September 15, 2026. Assume the appropriate convictions or findings establish those factors and no other factor applies. Each falls within one year: eleven plus three plus thirteen equals twenty-seven negative units. The § 136.4(a)(3) denial ground is therefore implicated. A completed PIRP course does not make the total twenty-three. Nor may counsel mechanically add every label from one occurrence: § 136.6(d) counts the greater weight for non-independent factors from a single incident, while genuinely independent factors may both count. The actual orders, findings and incident relationships must support the arithmetic. [47]

Chapter 8 Administrative rulemaking and implementation

8.1 Distinguish the sources of legal authority

Licensing consequences can change without enactment of a new traffic offense. The Legislature defines powers and offenses; an agency may adopt regulations within its delegated authority. A regulation can therefore change licensing consequences without changing the elements of the underlying charge. Whether a particular rule remains within that authority is a separate legal question.^{10, 19, 20}

SAPA § 202 generally requires notice and an opportunity for comment before adoption, with rules for revised proposals and specified exceptions. A comment period invites evidence and legal objections; it is not a referendum. For a disputed amendment, retain the proposal, assessment of public comment, adoption notice and operative text. A press release is useful for chronology but does not substitute for the adopted provision.²⁰

8.2 Keep four dates in the file

Record adoption, enforceability, application to conduct and operational rollout separately. The November 6, 2024 adoption notice accepted the July 17, 2024 revised text without change. Different provisions then became enforceable on different dates. DMV reports that the four-lifetime-incident relicensing rule became enforceable in January 2025. The January 14, 2026 State Register notice identifies February 16, 2026 as the enforceability date for § 131.3(b), § 131.4(a)–(c), § 136.5(a)(2)(iii)–(iv) and § 136.6(a). The January 30 memorandum assigns the new point values to violations committed on or after February 16, while earlier violations retain their former point values. DMV’s anticipated February 18 service resumption concerns its operational transition; it does not move those legal dates. Do not label every amendment “effective February 2026” or infer the date of every computer update from the rollout announcement.^[2, 33, 34, 43–45]

Worked example. A portal displays the older point value on a charge committed after the new-value date. Counsel should capture the display with its date, confirm the exact subdivision and compare it with the operative rule and DMV memorandum. The portal may be stale; the charge may be misclassified; or a date may be wrong. None of those possibilities authorizes a promise that the lower display binds the agency. Resolve the discrepancy through the record before using it to calculate a plea’s consequences.^{1, 2}

8.3 Use administrative-law arguments precisely

Potential challenges may concern statutory authority, the procedure used to adopt a rule, rationality, application of the rule to a particular record, or the adequacy of the agency’s

determination. Those are different claims with different records. Acevedo addresses important authority and retroactivity principles in the earlier relicensing context, but an argument about a later point classification must identify its own text, facts and procedural vehicle.^{19, 20}

An administrative challenge should distinguish the agency record, the governing legal requirement and the relief sought. Preserve the notice, submissions and determination needed for review. An allegation about agency policy or implementation should rest on identifiable evidence, including the rulemaking record or documents from the client's proceeding.

8.4 Build the issue before choosing the challenge

An assertion that an agency “changed the law” is not yet a legal claim. A challenge to the rule's validity asks whether the agency had authority and followed required procedures. A challenge to application asks whether a valid rule was applied to the correct facts, dates and person. A challenge to a discretionary result asks whether the agency used a lawful and rational basis or, in the applicable setting, had sufficient evidentiary support. Those questions require different documents.^{19, 20, 37}

For a transition dispute, begin with the operative text, the adoption and implementation materials, the violation date and the disposition. For an individual denial, begin with the application, submitted exhibits, stated grounds and hearing record if one exists. For a rulemaking objection, identify the particular notice, comment or adoption requirement said to have been breached and the record supporting that contention. The fact that a consequence is severe does not by itself establish a procedural defect.^{2, 18, 20}

The current online text of VTL § 510 includes separately labeled future-effective provisions. An attorney researching in October 2026 must not apply a provision expressly effective May 26, 2027 as though it already controlled the client's case. Save the version and relevant effective-date note with the research. This is the same discipline used for the February point transition: the availability of text on a website is not proof that every displayed provision is presently operative.¹⁰

Chapter 9 Tolls registration and professional drivers

9.1 Separate the vehicle from the driver

A registration suspension affects the vehicle's registration; a license or privilege suspension affects the person's authority to operate. Either can make the proposed trip unlawful, even if the other document looks valid. VTL § 512 separately criminalizes operation during a registration suspension or revocation in the circumstances specified there. The client who says "my license is good" has not answered whether the registered vehicle may lawfully be driven.^{10, 22}

Obtain the toll authority's notices, transaction ledger and clearance requirements together with DMV's registration notice. Examine a customer-service adjustment or payment plan for what it actually accomplishes. A change in the account balance does not necessarily restore registration.^{21, 31}

9.2 Apply the toll rule without broadening its threshold

Under § 127.14, the principal toll route concerns three or more notices of violation or other process within five years, with the regulation's requirement that the toll transactions not have occurred on the same day. The alternative \$200 threshold is tied to a defined commercial-motor-vehicle registrant through specified Vehicle and Traffic Law classifications. It is not a universal \$200 threshold for every private passenger vehicle or every person who uses a car for work.²¹

The regulation provides notice and a hearing opportunity. A timely hearing request holds the proposed suspension in abeyance under the rule; an untimely response can waive that opportunity. Review the hearing issues and deadline in the actual notice. Restoration requires the toll authority's clearance under the prescribed process, not merely counsel's conclusion that the account should be settled.²¹

Worked example. An app-based driver has \$240 in claimed toll debt and one notice. The occupation alone does not place the vehicle in the regulation's defined commercial category. Obtain registration and classification evidence before applying the \$200 branch. If the same owner has three qualifying notices within the specified period, that separate route requires analysis regardless of the initial assumption. If the transactions all arose on one day, examine the distinct-day requirement instead of counting each photograph as a separate qualifying event.²¹

An anecdote about a dismissed toll-related charge can be useful as a reminder to investigate proof and clearance. It is not authority that every toll case will be dismissed or that a particular payment arrangement cures every proceeding.

9.3 TLC uses a distinct point system

For a TLC-licensed driver, the municipal Persistent Violator Program can matter before the DMV point threshold is reached. Under 35 RCNY § 80-27, six to fewer than ten combined qualifying TLC and DMV points within fifteen months require suspension for up to thirty days, and ten or more require revocation, subject to the rule's hearing and reduction provisions. The rule uses conviction dates and counts only the highest-point violation arising from a single incident. It reserves specified authority for more severe penalties. Read the TLC record as well as the DMV abstract.²⁵

TLC's reduction provisions distinguish three TLC points through its approved TLC Point Reduction Course from three DMV points through the approved DMV defensive-driving route. The rule addresses the fifteen-month conviction period and timing relative to persistent-violator adjudication. A course completed after adjudication does not undo an imposed suspension; § 80-27(a)(5)(ii) allows the reduction to be credited after the driver serves that suspension. Do not describe that later credit as reinstatement or assume it reverses a revocation. The TLC-course reduction ordinarily has a five-year frequency limit; the DMV-course route has an eighteen-month limit. Section 9.3A develops the type-of-points distinction and the rule's stated exception.²⁵

Worked example. A driver receives a five-point conviction in January and a three-point conviction for a different incident in October. For TLC purposes, the eight-point fifteen-month record may create suspension exposure even though counsel is focused on eleven DMV points. If both convictions arose from one incident, the TLC highest-point rule could change that calculation. A properly timed qualifying course may affect the TLC total by three, not the DMV's up-to-four figure. Obtain the TLC summons and adjudication date before promising a reduction.²⁵

9.3A Match the TLC course to the type of points

The TLC rule distinguishes a TLC Point Reduction Course from the DMV defensive-driving route. The former generally reduces three TLC points; the latter generally reduces three DMV points for this municipal calculation. Course eligibility, the fifteen-month conviction period, frequency limits and timing relative to adjudication all matter. Section 80-27 includes a specific alternative where a TLC course is unavailable. Counsel should identify the applicable clause rather than promise that any course removes any three points.²⁵

Assume the driver has five DMV points from one incident and three TLC points from another, with convictions within fifteen months. The combined total is eight. An eligible TLC course directed to the three TLC points and an eligible DMV course directed to the DMV points present different routes under the rule. The lawyer needs the actual records, course

history and procedural dates to identify the available reduction. A certificate without those facts does not establish the final total.²⁵

Zero ordinary DMV points also do not answer every TLC application question. Section 80-08(c)(2)(ii), within the criteria for a new license application, permits the Chairperson to deny that application where, within the prior year measured by violation date, the applicant committed the specified unlicensed-operation traffic infraction. That new-application provision does not automatically revoke an existing TLC license. Identify whether the client seeks a new license, a renewal or relief from an existing-license sanction, then apply the provisions governing that event.³⁹

Practice question. A prospective TLC applicant asks whether a zero-point § 509 plea is “safe for TLC.” The answer requires at least the precise infraction, violation date, application date, applicable licensing provision and other eligibility facts. The ordinary DMV point value alone cannot supply that advice. The client should receive the possible application consequence before choosing the disposition.^{8, 39}

For an existing TLC driver, § 80-11(c) separately requires the valid underlying chauffeur’s license and prohibits the covered operation when New York driving privileges are suspended or revoked. It provides for summary suspension in the stated invalid-license situation and penalties including suspension until compliance. This is an immediate licensing-compliance issue, independent of the fifteen-month point arithmetic. A driver cannot treat an apparently valid TLC card as permission to work while the underlying New York privilege remains withdrawn.³⁹

9.4 CDL consequences require offense and vehicle analysis

VTL § 510-a provides commercial-privilege consequences independent of ordinary point totals. Its serious-traffic-violation provisions include specified speeding, reckless driving, lane, following-distance, fatal-accident, licensing and handheld-device conduct. The relevant vehicle, offense definition and occurrence dates matter. Two qualifying serious violations from separate incidents within three years require a sixty-day commercial suspension; three require 120 days. Do not translate a favorable ordinary-license point total into an assurance that the commercial privilege is safe.²³

A possession-of-license allegation illustrates why the exact charge matters. Section 510-a(4-a) supplies a dismissal route for the specified failure-to-have-the-license-in-possession charge if the driver actually held a valid commercial license at the time and supplies the required proof to the court and issuing law-enforcement agency before the appearance date. That provision does not cure never having obtained the required license or endorsement.²³

Federal law also prohibits a state from masking, deferring judgment or using diversion in a way that prevents a CLP/CDL holder’s qualifying conviction from appearing on the driving record. Section 384.226 applies to operation of any type of motor vehicle by the covered holder, with the stated parking, weight and vehicle-defect exceptions. It is not accurately

summarized as a categorical prohibition on every negotiated disposition. Counsel must examine the proposed resolution and its reporting effect instead of promising an off-record result.²⁴

Worked example. A CDL holder wants to resolve a handheld-phone charge committed in a personal car. Counsel should not end the inquiry upon learning that no truck was involved. The specific § 510-a consequence may depend on the vehicle and offense category, while the federal masking rule addresses the covered holder operating any vehicle. The client's pending and prior cases, employer policy and reporting obligations may add further consequences. Compare the legally available dispositions on those dimensions rather than points alone.^{23, 24}

9.5 Employment and insurance need their own evidence

Government licensure, employer qualification, platform access and insurance underwriting are distinct decisions. A legally valid ordinary license does not prove that an employer will retain a driver or that a platform will reactivate an account. Ask for the governing policy, actual adverse-action notice and any appeal procedure. Identify which issue requires employment, administrative or insurance advice outside the traffic disposition.

9.6 A commercial-driver comparison

Assume a CDL holder is convicted of two qualifying serious traffic violations committed in a commercial motor vehicle on separate dates within three years. VTL § 510-a(3) prescribes a sixty-day commercial suspension; three qualifying violations from separate incidents within that period prescribe 120 days. Two charges from one incident do not by themselves satisfy the separate-incident requirement. Record both incident dates and conviction details.²³

Compare a charge based solely on failure to possess the valid commercial license at the stop. If the statutory conditions and timely proof requirements of § 510-a(4-a) are met, the specified dismissal route deserves immediate attention. Compare instead a driver who never held the necessary endorsement. The possession-proof remedy cannot create an endorsement that did not exist. A superficial “paperwork ticket” description conceals that difference.^{8, 23}

For any proposed disposition, assess the federal reporting restriction separately. Section 384.226 prohibits covered masking, deferred judgment and diversion that keep a qualifying conviction off the covered holder's driving record. Its any-vehicle language prevents counsel from assuming that a personal-car incident is categorically irrelevant. It does not decide every state-law consequence or establish that every factually supported negotiated disposition is forbidden.²⁴

The written recommendation should distinguish the ordinary license from the commercial privilege. A person may have an ordinary-license status that does not authorize the

commercial work proposed. Ask what vehicle the employer requires the client to drive, whether the position requires a particular credential, and whether there are separate reporting duties or employment restrictions. Those questions cannot be answered from the ordinary point total.

9.7 A toll hearing preparation example

Assume DMV sends a proposed registration-suspension notice based on three toll notices within five years. The owner disputes that the transactions occurred on different days. Obtain the transaction dates, plate and vehicle identifiers, notice dates, ownership records, toll-authority referral and DMV notice. A transaction ledger, rather than the number of account line items, is the useful evidence for the distinct-day issue.²¹

If the owner requests a hearing within the period specified by the notice and regulation, confirm receipt and the rule's abeyance effect. Prepare a focused challenge to the statutory or regulatory condition actually disputed. At the same time, obtain the authority's procedure for resolving the underlying account and reporting clearance. An agency adjustment, a hearing ruling and a DMV status update are separate records to obtain.²¹

If the registration is already suspended, the client must not infer lawful operation from a pending customer-service complaint. VTL § 512 creates a separate offense for the prohibited operation during registration withdrawal. The driver's valid personal license is not a cure. Record the vehicle's status and advise the client about that specific impediment while pursuing the appropriate remedy.²²

Chapter 10 Emerging and supplemental issues

10.1 Classify the device and the charge

A charge label can obscure the classification of a bicycle, electric-assist bicycle or other powered device. Section 131.3 excludes bicycle violations from the point schedule. VTL § 125 excludes specified electric-assist bicycles and electric scooters from its motor-vehicle definition, while other powered devices may fall into different classifications. Obtain the make, model, operating characteristics and charging provision before advising on points or licensure.^{1, 26}

Worked example. A delivery worker says a red-light ticket was issued while riding an “e-bike.” Counsel needs to know whether the device fits the statutory electric-assist category, whether the summons charges bicycle operation or a motor-vehicle offense, and whether a separate licensing charge was issued. If the qualifying bicycle exclusion applies, the ordinary motor-vehicle point assumption is wrong. If the device is actually a differently classified powered vehicle, the label on the client’s app or sales receipt is insufficient.^{1, 8, 26}

10.2 Do not import criminal proof rules into every proceeding

Camera-generated notices, toll proceedings, TVB charges and criminal AUO cases may have different respondents, burdens and remedies. Identify whether the notice concerns an owner, an operator or both. Confirm the statutory scheme before assuming a driver conviction or point assessment. The fact that DMV’s TVB process does not handle camera or parking tickets does not by itself resolve how those matters should be contested.^{11, 30}

Evidence should be evaluated in its procedural setting. Pilatasig illustrates constitutional confrontation concerns about a testimonial mailing affidavit at a criminal trial. It does not establish that every administrative record or every camera image is inadmissible in a different proceeding. Ask what the evidence proves, who generated it, whether it is authenticated, what objection applies and what foundation the proponent can supply.¹⁷

10.3 Separate technological possibilities from established practice

When a matter involves facial recognition or automated enforcement, identify the technology actually used, the governing legal authorization, the available data and audit records, and the witness who can explain its operation. Evaluate the reliability and admissibility of the evidence in the particular forum. A general description of a technology does not establish its use or accuracy in the client’s case.

10.4 Evidence questions for unfamiliar enforcement

Start with the instrument received. Record the issuing authority, named respondent, statutory section, alleged conduct, response deadline and requested consequence. An owner-liability notice and an operator summons can arise from the same event but require different defenses. The sender's use of photographs does not decide the forum or burden of proof.

For an electric device, retain photographs of the model plate, manufacturer specifications, pedals, speed capability and any modification. Compare the statutory definition and the actual charged provision. For a camera or other automated record, ask for the image or event sequence, timestamp, location, device identification and any foundation required by the governing scheme. These are investigation steps; they are not assertions that every scheme makes every requested item a condition of liability.²⁶

If counsel contends the technology misidentified the vehicle or event, explain the discrepancy with concrete evidence: a different plate, impossible location, inconsistent time or vehicle configuration. If the claim instead challenges legal authorization, identify that authority and the alleged limitation. Technical speculation cannot substitute for either a factual defense or a legal argument.

10.5 Editorial correction on jury nullification

The recording closes with comments encouraging jurors to reject charges because they disagree with the rules. Those comments are not a statement of a legally sanctioned trial function. In *People v. Weinberg*, the Court of Appeals rejected the claimed right to advocate jury nullification in summation, applying *Goetz*. A jury's practical power to acquit does not give counsel an entitlement to invite disregard of the court's instructions.⁴⁰

Mendoza does not establish a contrary general permission. It rejected an ineffective-assistance claim on the particular record, considering counsel's overall performance and the trial court's failure to curb the argument. The decision retained the distinction between a jury's power and its legal duty. Do not convert that record-specific appellate result into a recommended defense or a guaranteed opportunity to argue nullification.⁴¹

For an AUO case, distinguish a supported argument that the prosecution failed to prove knowledge or reason to know from a request to acquit despite proof of every element because the licensing policy is unfair. If mailing proof is missing, identify that evidentiary defect and the applicable burden. If competent proof establishes the element, dissatisfaction with the rule does not create a new legal defense. Policy advocacy through representatives or rulemaking comments is a different activity from the jury's adjudicative task.^{7, 16, 40, 41}

Chapter 11 Plea counseling and practical application

11.1 Build advice around the client's actual decision

A proposed resolution must be evaluated against the consequences the client will live with. A fine comparison alone is incomplete. Counsel needs the accusatory instrument, proof, forum, dated driving record, pending matters, lawful plea options and the client's professional constraints. A disposition that reduces criminal exposure can still leave a suspension in place. A zero-point result can still affect employment, a licensing duty or the cost of insurance. ^{7, 8, 10, 23, 25}

Use a written comparison with separate rows for criminal exposure, fine and surcharge, points, DRA, commercial/TLC effects, registration, insurance questions and restoration tasks. Do not fill an unknown entry with "none." Mark the missing fact and identify who can resolve it. Where counsel is not retained for an associated matter, document the issue and the referral or limited advice actually given.

11.2 An integrated suspended-license example

Facts. An experienced delivery driver is charged with § 511(1) after a September 2026 stop. The abstract lists two active withdrawals. The client recalls an old ticket but says no suspension notice arrived. The client holds a TLC license, has a recent moving conviction and wants to keep working. A § 509 disposition is mentioned informally. The toll account also shows disputed charges.

Issues and analysis. First identify the forum and the actual accusatory instrument. Read the allegations of operation, suspension and knowledge or reason to know. Determine whether the instrument is an information or a misdemeanor complaint and whether any waiver is contemplated; Willis, Thompson, Scott and Pilatasig address different procedural questions. Preserve the distinction between pleading sufficiency and proof at trial. Request the relevant suspension orders, notices, mailing evidence and abstract, while separately examining operation evidence. ^{7, 14, 15, 16, 17}

Next identify both withdrawals and their cures. A disposition in this case may not answer the older ticket or satisfy a DRA obligation. If a § 509 plea is considered, analyze § 511(5), the exact § 509 subdivision and the administrative record that remains. Explain the different criminal exposure, the zero-point treatment of § 509 itself and the limits of any assurance about independent DMV action. ^{1, 2, 5, 7, 8, 10}

Then calculate professional consequences. Obtain the TLC conviction record and determine whether the existing conviction and any proposed new conviction create a fifteen-month

persistent-violator issue. Do not use the twenty-four-month DMV window for that calculation. Investigate the toll record as a registration question; the debt amount alone does not establish that the defined commercial-vehicle branch applies.^{21, 25}

Missing facts. Counsel still needs dates and bases of both withdrawals, notice evidence, exact prior conviction and incident dates, the proposed plea's legal basis, the vehicle classification and the actual toll notices. The client's statement that work requires driving explains urgency but does not supply those facts.

Plausible outcomes. Weak notice or operation proof may affect the charge, depending on the instrument and stage. A lawful reduction may reduce criminal exposure while leaving restoration work unfinished. A restored ordinary privilege may still leave TLC or registration problems. These are conditional pathways, not predictions that a prosecutor, judge, DMV or TLC will choose a particular result.

Counseling takeaway. The client should leave knowing whether driving is presently authorized, what the proposed plea does, what it leaves unresolved and how completion of each remaining task will be confirmed. Avoid the dangerous shorthand "the case is over, so you can drive."

11.3 Compare two strategies without promising either

Facts. Another client has a six-point speeding violation from early 2025 and faces a September 2026 moving charge. The client completed a defensive-driving course before the newer incident. One proposed resolution has fewer points; another preserves a stronger trial position but carries a greater potential sanction if unsuccessful.

The initial comparison requires the exact violation dates and point values. The two events may fit the twenty-four-month administrative window even if they do not combine for DRA's eighteen months. The earlier course does not bank points for the later incident. Pending cases can change either calculation. A CDL or TLC credential could make a seemingly modest difference decisive under another scheme.^{1, 3, 4, 5, 23, 25}

Counsel should then explain the evidence and legally available procedures, costs and consequences of each option. The record may support a negotiated resolution in court but not an assumed reduction at TVB. A recommendation should identify its factual premises and the uncertainty that remains. If a deadline requires action before a missing record arrives, document that problem and evaluate available procedural relief rather than pretending the missing fact is settled.^{11, 30}

11.4 Close the file with a verified status and a usable letter

Obtain the disposition, record the next payment or agency deadline, and identify who is responsible for each task. A follow-up should distinguish "court case resolved," "suspension termination requested," "DMV status confirmed" and "commercial/TLC issue still open." If the client is not authorized to drive, state that plainly. If restoration is believed complete,

record the source and date of confirmation; do not rely solely on possession of a license card.^{10, 23, 25, 32}

Retain the comparison that informed the advice. Give the client a comprehensible decision and a reliable next step, with uncertainty stated plainly. The completed counseling exercise below illustrates how to use the six blank practice tools that follow.

11.5 A complete counseling exercise

Assumed record. On September 15, 2026, Morgan, a New York TLC driver without a CDL, is stopped in a registered passenger vehicle and charged with third-degree AUO. The abstract identifies a failure-to-answer suspension effective June 1 and a DRA-related suspension effective August 1. The prosecutor has not supplied mailing evidence. The client has a five-point device conviction entered January 12, 2026 for December 2, 2025 conduct and a three-point stop-sign conviction entered July 14, 2026 for June 18 conduct. Assume those are separate incidents, both qualifying under TLC's program. No qualifying reduction course has been completed. A § 509(1) resolution is discussed but not offered on the record. A toll account shows one notice and \$240 disputed debt. These facts are fictional and deliberately incomplete.

First decision: present operation. The two active withdrawals must be addressed independently. Morgan's current physical license and registration do not establish a valid New York privilege. The immediate advice is to refrain from driving while that privilege remains withdrawn. Obtain both orders and identify the cure, effective date and source of each. Resolving the new AUO charge alone would not clear either withdrawal.^{5, 7, 10}

Second decision: defend or resolve the AUO charge. Identify the instrument and test the allegations of public-highway operation, withdrawal and knowledge or reason to know. Request the notice, address and mailing proof, and examine other evidence of knowledge. Willis does not convert a potentially sufficient complaint into conclusive trial proof. If the prosecutor concludes the charge is not warranted by the evidence, the § 511(5) exception requires the stated basis and the required consent and acceptance. There is no presently guaranteed § 509 offer.^{7, 14, 16, 17}

Third decision: points and money. The eight points from December and June fall within eighteen and twenty-four months. The point-based DRA formula for that assumed group is \$150 annually for three years, or \$450, before payments and account reconciliation. The existing DRA suspension makes the actual statement and payment history essential. A § 509 conviction itself adds zero ordinary DMV points; a post-transition § 511 conviction falls within the eleven-point category. Do not subtract a future course from DRA or presume every possible independent DMV action has already occurred.^{1, 2, 3, 5}

Fourth decision: TLC. The January and July conviction dates fall within fifteen months and the assumed separate incidents total eight qualifying points. That creates the municipal suspension issue even before the new charge is resolved. Obtain the TLC record and any

summons, identify available course relief and timing, and review the governing adjudication procedure. The client's ordinary DMV arithmetic does not protect the TLC license.²⁵

Fifth decision: tolls and registration. One notice and \$240 do not by themselves establish the three-notice route. Nor does TLC employment establish the defined commercial-registrant classification for the alternative amount-based route. Verify the vehicle classification, notices and actual DMV status. Treat the dispute as a registration and account matter until the evidence establishes another consequence.²¹

Decision item	What the record supports	What remains to be obtained
Current driving	Two recorded active withdrawals require separate resolution	Current orders, clearance conditions and status confirmation
AUO defense	Notice and knowledge remain issues to investigate	Instrument, notices, mailing foundation and operation evidence
Possible § 509 plea	Zero points for that conviction if a lawful resolution is reached	§ 511(5) basis, actual offer, court acceptance and entered disposition
DRA	Eight-point group gives a \$450 three-year formula result	Actual assessment statement and payments
TLC	Eight assumed qualifying points within fifteen months	TLC record, course eligibility and adjudication dates
Tolls	The facts do not yet establish either suspension threshold	Transaction notices, vehicle classification and DMV status

Model recommendation. Investigate the AUO proof and available lawful dispositions while separately arranging resolution of the two active withdrawals. Explain the possible benefit of a § 509 resolution without promising an offer, dismissal, restored privilege or TLC outcome. Address the existing TLC eight-point issue now. Obtain the toll documents before assigning a threshold. Confirm each restoration step with the issuing authority and the current record before advising that driving may resume.

Completed follow-up. The Morgan file below documents the initial no-driving advice and the later clearance evidence. Section 11.10 supplies the full client letter after dated status verification, with unresolved matters and next actions retained.

11.6 Questions for review with reasoned answers

1. A client has ten points. Is the license necessarily safe? No. The ordinary eleven-point hearing threshold is not the only route to action. Nine speeding points, three qualifying speeding convictions in eighteen months, an existing withdrawal, or another statutory ground can matter. Determine the actual record and legal trigger. ^{3, 10}

2. Does a September conviction for a February 15 school-bus violation carry eight points? Not merely because the conviction is later. The implementation memorandum assigns the former five points to conduct through February 15, 2026. The violation date selects the assignment. ²

3. Does every § 509 plea now produce eleven points? No. DMV expressly retains zero points for § 509. Identify any separately asserted operation-during-suspension action on its actual legal and factual basis. A zero-point plea still does not restore an existing withdrawal. ^{1, 2, 7, 8}

4. Does Willis eliminate a trial challenge to proof of knowledge? No. Its complaint analysis followed waivers of prosecution by information. Trial admissibility and sufficiency remain separate questions. Scott and Pilatasig illustrate the importance of actual mailing proof, foundation and confrontation analysis. ^{14, 16, 17}

5. Does a PIRP course reduce an eleven-point DRA to seven? No. The statutory DRA input is not reduced by PIRP. On a simple eligible eleven-point group, the formula remains \$225 annually for three years. Reconcile the actual account before advising the remaining balance. ^{4, 5}

6. Do three alcohol incidents and one five-point device violation automatically satisfy the two-five-point serious-offense branch? No. That branch requires two qualifying violations. Analyze the other serious-offense branches, lifetime history and the correct twenty-five-year anchor before classifying the application. ¹⁸

7. Does completing the minimum revocation period authorize driving? No. Relicensing approval, any imposed restriction and an actually valid permit or license must be distinguished from completion of the period. Unauthorized operation can worsen the relicensing position. ^{10, 18}

8. Does a personal-car incident make CDL reporting irrelevant? No. The federal masking prohibition covers the specified holder's operation of any motor vehicle, subject to its exceptions. The state commercial-suspension inquiry separately requires the relevant offense and vehicle analysis. ^{23, 24}

9. Does filing an appeal restore a license? Not by itself. Determine the applicable review route and whether a stay has actually been granted. Read its scope and check for independent withdrawals. ^{35, 38}

10. Is a one-notice \$240 toll account automatically enough to suspend any registrant? No. The amount-based branch uses a defined commercial-registrant classification. The alternative notice-based branch has its own number, period and transaction-date conditions. Obtain the documents before applying either. ²¹

11.7 Morgan: the supplied practice file

The following **fictional training records** complete the assumptions in §11.5. They are editorial teaching exhibits, not reproductions of official DMV forms, actual court records or evidence that any agency took action. The file proceeds from September 16 intake to a September 24 status review. Later scheduled dates remain open. No real person's identifying number is used.

M1 – Intake and scope memorandum, September 16, 2026

Client: Morgan Lane. New York Class E license; no CDL or CLP; current physical card expires in 2028. TLC driver credential also held. Morgan was driving a personally registered passenger car on Northern Boulevard, Queens, on September 15 for a personal trip. Morgan is charged in Queens Criminal Court with VTL §511(1)(a); the next appearance is October 8. Training file number: MORGAN-26. The new case has a misdemeanor complaint, and no waiver of information has occurred. Counsel is retained for that prosecution and the specifically identified clearance inquiries; any later Article 78 proceeding would require a separately agreed scope.

Morgan denies receiving the suspension notices, recalls receiving an older lamp-equipment summons, and says the move from 19 Training Lane to 301 Example Road occurred February 1. Morgan supplies a February 3 DMV acknowledgment of the address change. This acknowledgment is a lead to investigate notice, not proof that every agency used the corrected address. Morgan agrees not to drive while the two withdrawals remain effective. Counsel records the immediate work need and arranges a follow-up for September 24; economic urgency does not establish permission to operate.

M2 – Driving and conviction record extract, run September 16

For the exercise, the identity and listed final dispositions are accurate. Historical notice service and the pending charge remain disputed.

Entry	Conduct / conviction dates	Exact recorded disposition and status
D-01	December 2, 2025 / January 12, 2026	VTL §1225-d device offense; five points; final
D-02	June 18, 2026 / July 14, 2026	VTL §1172(a) stop-sign offense; three points; final; different incident from D-01
D-03	January 20, 2026 / no conviction supplied	VTL §375(2)(a)(1) lamp-equipment charge in fictional Valley Town Court; unanswered; excluded from the final-conviction point sum

Entry	Conduct / conviction dates	Exact recorded disposition and status
W-01	Effective June 1, 2026	Failure-to-answer withdrawal tied to D-03; active
W-02	Effective August 1, 2026	DRA nonpayment withdrawal; active
P-01	September 15, 2026 / pending	VTL §511(1) (a), Queens Criminal Court; no conviction points assigned in this exercise yet

No PIRP completion, other final point-bearing conviction or alcohol-related occurrence is supplied. The old lamp charge does not add assumed conviction points; its unresolved proceeding does explain a distinct restoration task. Counsel must still request the complete agency history rather than mistake a teaching extract for a universal abstract format.

M3 – Withdrawal and notice materials

W-01's supplied order identifies failure to answer the February 10 return date for D-03. The court's referral records nonappearance more than sixty days after that date. The agency file contains notices dated May 1 and May 16, both addressed to 19 Training Lane, and an effective date of June 1. The file contains no mailing log, competent mailing affidavit or testimony establishing what was actually sent. M1's February 3 address acknowledgment identifies 301 Example Road. The supplied notices and acknowledgment therefore create a concrete discrepancy for investigation. They do not conclusively defeat every possible inference of knowledge, including a warning on the original summons. [7, 10, 14–17]

W-02's order identifies DRA nonpayment and an August 1 effective date. The original assessment mailing and original payment deadline have **not** been supplied. Counsel requests them rather than inventing a normal interval from the July conviction to the order. For present-driving advice, M2 reports an active withdrawal. For the criminal case, counsel separately investigates whether the withdrawal and knowledge can be proved. The client should not personally disregard an active agency record while counsel investigates it.

M4 – Assessment and payment record

The September 16 training account statement identifies D-01 and D-02 as an eight-point group, a \$150 annual assessment for three years, no payments, and a \$450 total scheduled assessment. It does not identify an additional alcohol/refusal assessment. The statement also reports W-02 as active. Counsel asks which amount is required to terminate that action and whether other assessments exist; the scheduled three-year total and the amount currently due are not interchangeable labels. [5, 29]

On September 18, Morgan voluntarily pays the full \$450 shown for this assessment after receiving the complete account breakdown. Training receipt PAY-DRA-18 matches this assessment and identifies no other payment. A September 21 account response confirms a

zero balance for this assessment and termination of W-02; the response is retained with the fresh status record M9. The choice to pay the full displayed assessment in this specimen is not a rule that every driver must prepay future annual installments. Advice about an actual suspension must follow the actual statute, notice, account and clearance requirements.

M5 – Older-court clearance materials

On September 17, Morgan answers D-03 not guilty. The fictional court acknowledgment identifies the same summons, schedules October 20 for the next appearance and records payment of the demanded \$70 termination fee, receipt PAY-FTA-17. Counsel retains the receipt separately from the underlying charge. The acknowledgment says the court transmitted a failure-to-answer clearance that day. It does not dismiss D-03 or declare every driving restriction ended. On September 21, M9 confirms that W-01 is no longer active. The new October 20 appearance stays on the calendar. [5, 10]

M6 – TLC and course materials

The September 16 TLC record lists D-01's January 12 conviction and D-02's July 14 conviction, eight DMV points from two incidents, no additional TLC points and no prior course reduction in the relevant eighteen-month period. A persistent-violator summons is scheduled for October 5; it has not been adjudicated. The supplied record does not establish a separate TLC suspension order. Counsel requests the complete status rather than inferring either active authority or summary suspension merely from the physical credential. [25, 39]

Morgan completes an approved DMV defensive-driving course September 19. The certificate identifies the provider, completion date and successful completion. Counsel submits it to TLC September 22, before the scheduled adjudication, with the conviction record and course-history information. The requested municipal calculation is **8 – 3 = 5 DMV points** under §80-27(a)(5), subject to acceptance of the proof and no other qualifying entries. It is not 8 – 4 for TLC. A separate DMV record entry may support up to four eligible points for the Part 131 calculation, but neither course mechanism pays DRA or resolves the pending criminal case. [4, 5, 25]

M7 – Toll and vehicle record

The car is personally registered under the private-passenger classification, outside the classifications enumerated in §127.14(f) for this exercise. It is not the separate vehicle Morgan uses for licensed work. The supplied toll account contains one notice of violation, TN-01, for one July 2 transaction and a disputed \$240 balance. No other notice, DMV proposed registration suspension or toll referral is supplied. A September 21 registration status check is valid. One notice does not establish the three-notice branch, and the supplied classification does not establish the alternative commercial-registrant branch. The underlying \$240 dispute nevertheless remains open. [21, 22]

M8 – Criminal evidence request and offer status

The complaint alleges officer-observed operation on the public highway and a database report of the two withdrawals. The notice and knowledge allegations must be read in the actual instrument; counsel has not waived information. Counsel's September 16 request identifies the original equipment summons and warning, all withdrawal notices, mailing and address records, the February address acknowledgment, the complete abstract, and any body-camera statement relevant to knowledge. In this exercise the prosecutor has not provided the requested notice proof or made an on-record §511(5) determination. The informal mention of §509 is **not an offer the client can accept**, a court disposition, or a finding that the charge is unwarranted. [7, 14–17]

M9 – Status review, September 21–24

The September 21 training DMV response confirms W-01 and W-02 terminated, Class E operating status valid, no other current withdrawal shown, and registration valid. Counsel retains the dated response rather than relying on PAY-DRA-18 alone. A September 22 TLC response reports the driver credential active and the October 5 proceeding still pending; it acknowledges receipt of the course submission without deciding the persistent-violator case. On September 24 counsel confirms there has been no new notice reported by the client. This supports advice about the verified present status, with the unresolved proceedings and credential conditions expressly stated.

11.8 Completed six-tool companion

The six completed tools identify each decision, its supporting record and the next required act. W-01 closes on the supplied DMV status proof; the older summons, W-02, AUO charge, toll matter and TLC exposure retain the separate follow-up shown in the ledger. Use the blank copies that follow to build a comparable record for a different matter.

Tool	Completed entry and reasoning
1 – Intake	MORGAN-26; interview September 16; Queens criminal AUO appearance October 8; Class E, no CDL/CLP, TLC credential; personal passenger vehicle at stop. Immediate advice: no operation while W-01/W-02 remain active. Retained scope and September 24 follow-up recorded in M1.
2 – Dated record	D-01 five plus D-02 three equals eight. December 2, 2025–June 18, 2026 lies within both eighteen and twenty-four months. DRA: $\$100 + (8 - 6) \times \$25 = \$150$ annually; \$450 over three years. P-01 is pending, not eleven existing points. [1, 3, 5]
3 – Restoration	W-01: answer older matter, address demanded termination fee and confirm court transmission plus current DMV termination. W-02: obtain actual DRA breakdown, reconcile payment and agency termination. Completed on the supplied September 21 status record; D-03 and P-01 remain pending.
4 – Disposition comparison	Current defense: investigate knowledge and preserve instrument-specific issues. Conditional §509(1): zero ordinary points if lawfully entered; statutory §511(5) determination is absent. Conditional §511 conviction for September conduct: eleven assigned points, making nineteen with the supplied eight if the applicable group is otherwise unchanged. Assess consequences independently; do not book hypothetical points as final. [1, 2, 7]
5 – Professional/vehicle	TLC: eight qualifying points by conviction dates, separate incidents; timely qualifying DMV course request seeks a three-point reduction to five. No CDL branch on M1 facts. TN-01 and private-passenger classification do not establish either regulatory toll threshold; preserve the dispute. [21, 25]
6 – Follow-up	September 24 letter below distinguishes verified current state/TLC status, unresolved criminal and older traffic matters, pending PVP adjudication, course submission, and disputed toll account. Each open line has a named owner and follow-up date.

For the conditional nineteen-point case, a simple nineteen-point eighteen-month group would yield $\$100 + 13 \times \$25 = \$425$ annually/\$1,275 across three years before reconciliation. It is not an instruction to add \$1,275 to the already paid \$450. A new conviction may change the agency assessment; request the revised account. Nor does nineteen itself prescribe one fixed suspension term. [3, 5]

11.9 Completed restoration and action ledger

Dates below are facts and internal follow-up targets in this training file, except appearances expressly described as scheduled by a court or agency. They are not universal legal deadlines.

Matter / owner	Act performed and evidence	Status at September 24 / next action
W-01 / counsel and Morgan	September 17 answer, \$70 receipt and court clearance transmission; September 21 DMV status	Withdrawal closed on supplied status proof. Counsel attends older D-03 matter October 20; charge remains open.
W-02 / Morgan; counsel verifies	September 18 full \$450 payment; account reconciliation and September 21 termination response	This withdrawal and displayed assessment balance closed. Retain receipt and monitor any later assessment.
P-01 / criminal counsel	September 16 itemized evidence request; address discrepancy preserved	Open. Follow up September 28; prepare for October 8 appearance. No guaranteed §509 resolution.
TLC PVP / counsel	September 19 course; September 22 proof submission and active-status response	Open. Confirm receipt and any missing proof by September 28; appear October 5 and obtain written outcome.
Ordinary driving / counsel	September 21 Class E status and September 24 client notice check	Present status verified on those sources. Recheck if any new notice or disposition occurs.
Registration / counsel	September 21 valid status; M7 classification and TN-01	No current registration withdrawal supplied. Toll dispute remains open; request itemized response September 28.
Employment/insurance / Morgan with counsel's referral	Governing work policy and insurance response requested September 24	Unknown; follow up September 30. Active government credentials do not establish employer or insurer acceptance.

11.10 Completed client letter, September 24, 2026

Dear Morgan:

We have confirmed that the two DMV withdrawals identified at intake are no longer active on the September 21 record. The older court recorded your September 17 answer and termination-fee payment. Your September 18 payment of \$450 has posted to the identified assessment, and DMV confirmed termination of its withdrawal. We have retained those records and the current Class E and registration checks. At our September 24 review you reported no new notice. Your present ordinary driving status is valid on those sources; comply with the class and other conditions of your actual credential, and send us any new notice immediately.

Your September 15 criminal case is still open. There is no accepted §509 disposition. We are investigating the notice and knowledge evidence, including the address discrepancy. A legally authorized §509 conviction would itself carry zero ordinary DMV points, but a later disposition could affect other issues. We will review the actual offer, proof and consequences with you before any decision. Your next criminal appearance is October 8. [1, 2, 7]

Your TLC record reported active status September 22, but the October 5 persistent-violator proceeding remains open. We submitted your course proof and requested the three-point reduction applicable to qualifying DMV points. Receipt of the submission is not a ruling. Keep the October 5 appearance, and do not assume that a course cancels a later order. We will obtain the written result and review any effect on work. [25, 39]

The older lamp charge also remains open for October 20. The toll account's \$240 charge is disputed; the supplied record does not show a registration suspension, but we are requesting an itemized response. Employer and insurance consequences remain unverified. Please supply the work policy and any carrier or platform notice by September 30. We will follow up on the criminal evidence, TLC proof and toll response September 28. Neither a paid account nor an apparently valid card should replace review of a new order.

Counsel for the fictional MORGAN-26 training file

Why this letter is different from the intake warning. It changes present-driving advice only after the dated state status proof arrives. It does not retroactively make September 15 operation lawful, promise dismissal, close the still-pending matters, or equate a TLC course acknowledgment with an adjudication. If M9 had shown W-02 still active, the letter would instead retain the no-driving advice and identify the unresolved clearance step.

11.11 Unseen problem: decide before reading the answer

Work from these new facts, not Morgan's outcome. Use the consequence reference and identify the particular input that changes each result.

Part A — Jordan's date file. Jordan has a five-point device conviction entered January 12, 2026 for December 2, 2025 conduct. A school-bus §1174 violation occurred February 15, 2026 and was convicted September 14, 2026. There are no other entries, courses, assessments or withdrawals. Both are qualifying separate incidents for TLC. Calculate assigned points, the Part 131 total, the simple DRA formula and the TLC category. Then change only the bus conduct date to February 16. Finally restore the February 15 conduct date and change only the bus conviction to July 14, 2027. Explain which systems respond differently; do not infer actual agency orders from a threshold.

Part B — Casey's newly found record. Use C2–C5 in §7.8 with C1 conclusively removed as another person's record. Add a six-point speeding conviction from a separate 2022 incident. Classify the relicensing branch. Then remove the added speeding event and identify the waiting/restriction branch. Explain why completing a minimum period alone is insufficient.

Part C — New clearance evidence. Morgan supplies only PAY-DRA-18 and a physical license card. M9 has not arrived. TLC's course is completed after its persistent-violator adjudication rather than before. Write two sentences of immediate advice and identify the proof still needed. Then change only the course completion date to the day before adjudication and explain the remaining conditions.

11.12 Reasoned answer and scoring guide

Part A. February 15 bus conduct receives five, giving ten total. Both acts lie within eighteen and twenty-four months. The simple DRA formula is $\$100 + (10 - 6) \times \$25 = \$200$ annually/\$600 over three years. Ten does not meet the ordinary eleven-point Part 131 trigger, but the full independent-trigger inquiry remains necessary. The two TLC convictions fall within fifteen months and total ten, engaging its revocation category under the assumed qualifying record and governing process. [1–3, 5, 25]

Move the conduct to February 16 and the bus receives eight: total thirteen, DRA \$275 annually/\$825 over three years. The ordinary Part 131 threshold is now reached; TLC remains in its ten-or-more category. Neither calculation establishes that a particular order was actually issued. Restore February 15 conduct and move conviction to July 14, 2027: assigned points remain five for the bus, and the conduct-based ten-point group and DRA formula are unchanged. January 12, 2026 and July 14, 2027 are more than fifteen months apart, so those two convictions alone cannot be combined in one TLC fifteen-month group. The bus conviction alone supplies five on these facts. This is why delaying adjudication is not a universal solution to point consequences. [1–3, 5, 25]

Part B. With three qualifying alcohol incidents and both the five-point device and separate six-point speeding conviction in the defined review period, the two-five-point serious-offense definition engages (b)(2). Remove the added speeding event and, absent another serious offense, the alcohol-related current revocation places the assumed record in (b)(3): at least five additional years, then discretionary approval and the specified five-year A2/interlock conditions. The lifetime fourth-incident branch is not met after C1's supported correction. Approval and an actually valid credential remain necessary. [18]

Part C. “The payment receipt does not yet establish that both withdrawals have terminated; do not resume driving while the current withdrawal status remains unresolved. We need the matched account posting, court clearance and current DMV status, and must separately review the TLC order. A course completed after adjudication does not undo the imposed suspension, although an otherwise qualifying reduction may be credited after that suspension is served.” Moving completion before adjudication may permit the applicable three-point municipal reduction if the course, point type, conviction window, frequency limit and proof requirements are satisfied; it still does not itself clear a DMV withdrawal. [4, 5, 25, 32]

Self-assessment. A complete answer identifies both dates for each entry, performs the arithmetic, separates threshold exposure from an actual order, supplies the reason for each changed result, and states what proof is missing. An answer is incomplete if it subtracts PIRP from DRA, treats §509 as automatic restoration, counts the same alcohol occurrence twice, or announces current authority to drive solely from the payment receipt. Rework the relevant chapter before applying the tool to a client.

Practice tools

These worksheets support counsel's analysis; they are not a substitute for the governing provisions. Use dates and documentary sources, record unknowns expressly, and attach additional rows where needed. The legal assumptions are explained in the referenced chapters. Blank entries mean unresolved, not "no consequence."

Tool 1 Initial client and matter intake

Client / file: _____ Interview date: _____

Immediate deadline / next appearance: _____

Forum and case number: _____

Charged section and subdivision / incident date: _____

License jurisdiction, class and endorsements: _____

Vehicle registration, owner, classification and use: _____

Credentials and work: CDL / CLP / TLC / other: _____

Present operating status and source checked: _____

Client's priority and present work or travel need: _____

Documents received: summons or complaint; notices; license; registration; abstract; prior dispositions; pending-case list; assessment and toll records; work-policy notices. Mark the actual documents received and their dates; request missing items.

Critical uncertainty / person responsible / due date: _____

Initial driving advice and scope of representation explained: _____

Use Chapters 3–5 and 9. Ask separately about a valid license card and a valid privilege. Record other jurisdictions and pending cases before offering a point prediction.

Tool 2 Abstract and date review

Record source, run date and coverage: _____

Violation date	Exact offense / subdivision	Conviction date	Points and source	Incident / pending status

Twenty-four-month Part 131 window and independent triggers: _____

Eighteen-month DRA window(s) and calculation: _____

PIRP completion / prior course / entry date / eligible violations: _____

TLC or CDL calculation required; separate record obtained: _____

Entries disputed or not yet adjudicated: _____

Use Chapters 1–2 and 6–9. Apply the violation-date point schedule. Do not subtract PIRP from DRA or apply the DMV window to TLC.

Tool 3 Suspension and restoration sources

Client / date of review: _____

Active withdrawal or restriction	Agency / legal basis	Notice and effective date	Required cure and proof	Responsible person / deadline

Separate registration problem: _____

AUO notice / mailing / knowledge evidence to obtain: _____

Court disposition received: _____

Restoration, relicensing or termination application still required: _____

Current agency confirmation and date: _____

Use Chapters 4–7 and 9. Keep each withdrawal open until its source is cleared. Permission to apply, payment, reinstatement and actual licensure are different events.

Tool 4 Compare proposed dispositions

Charge / forum / lawful plea authority: _____

Consequence	Option A	Option B	Source or unresolved fact
Exact disposition and factual basis			
Criminal exposure and fine			
DMV points and other action			
DRA and payments			
CDL / TLC / registration			
Insurance / employer inquiry			
Restoration still required			

Evidence assessment and procedural alternatives: _____

Recommendation, conditions and client's decision: _____

Use Chapters 3–6, 9 and 11. Identify § 511(5) constraints when applicable. Do not mark an unverified agency or employer result as guaranteed.

Tool 5 Professional-driver screening

Credentials held and issuing jurisdictions: _____

Employer / platform / vehicle use: _____

CDL or CLP at the time of the incident: _____

Commercial vehicle facts relevant to the specific charge: _____

Qualifying serious violations and occurrence dates: _____

TLC convictions and incident groupings in fifteen months: _____

TLC course type, eligibility, completion and summons adjudication date: _____

Registration and toll notices, transaction dates and classification: _____

Actual employer / platform / insurance notice and response deadline: _____

Additional adviser or agency record needed: _____

Use Chapter 9. A personal vehicle does not end the federal masking inquiry. TLC's three-point course rule is separate from DMV's up-to-four reduction.

Tool 6 Client follow-up and closure

Client / matter / communication date: _____

Disposition and document supplied: _____

What this resolves: _____

What remains unresolved: _____

Next action	Who will do it	Due date	Proof required	Confirmed completion

Present authority to drive and source/date of confirmation: _____

Restrictions or other jurisdiction issues explained: _____

Assessment, reporting or payment instructions supplied: _____

Follow-up date / documents still expected: _____

Use Chapter 11. State plainly if driving is not authorized. Do not describe the file as fully resolved while a known restoration or professional-license issue remains open.

Glossary

Accusatory instrument. The charging document. Its type and procedural stage affect the sufficiency standard; an information and a misdemeanor complaint are not interchangeable. See Chapter 4.

Administrative points. Values assigned under Part 131 to assess specified driving conduct. A point total is not itself a criminal sentence or an insurance rating. See Chapters 1–2.

AUO. Aggravated unlicensed operation under VTL § 511, with degrees and aggravating facts specified in the statute. See Chapter 4.

CDL / CLP. Commercial driver license / commercial learner permit. Commercial-privilege consequences can differ from ordinary-license consequences. See Chapter 9.

Conviction date. The adjudication date. It is distinct from the violation date and is relevant to systems such as TLC’s Persistent Violator Program. See Chapters 2 and 9.

DRA. Driver Responsibility Assessment. VTL §§ 503(4) and 1199 establish separate statutory bases for assessments. Court fines and PIRP do not eliminate them. See Chapter 6.

Information. A form of accusatory instrument subject to the applicable nonhearsay sufficiency requirements. A waiver permitting prosecution on a misdemeanor complaint changes the analysis. See Chapter 4.

Lookback period. A defined period used to classify relevant history. Its length and anchor must be taken from the particular rule; it is not necessarily measured backward from today. See Chapters 2, 6, 7 and 9.

Operating privilege. Authority to operate in the jurisdiction, distinct from possession of a physical license issued elsewhere. See Chapters 4 and 6.

PIRP. Point and Insurance Reduction Program. An approved course can have limited point and insurance benefits under separate rules. See Chapter 6.

Registration. Authorization and record associated with the vehicle. A registration withdrawal can matter independently of the driver’s license. See Chapter 9.

Relicensing. Review and approval associated with obtaining a license following revocation. Completion of a minimum period does not necessarily establish approval. See Chapter 7.

Revocation. Termination of the license or privilege, with a subsequent application/approval process as required. It should not be treated as merely a suspension with an automatic end date. See Chapters 4 and 7.

SAPA. New York State Administrative Procedure Act, including rulemaking requirements in § 202. See Chapter 8.

Suspension. Temporary withdrawal under the applicable authority, which may require a period, an affirmative cure or both. The actual notice and statute determine the conditions. See Chapters 4 and 6.

TLC Persistent Violator Program. The separate New York City driver-licensing point system under 35 RCNY § 80-27. See Chapter 9.

TVB. DMV Traffic Violations Bureau, an administrative forum for covered traffic infractions. It is not the forum for criminal AUO prosecutions. See Chapter 3.

Violation date. Date of the underlying conduct. It controls the Part 131 point assignment and serves a different function from conviction and processing dates. See Chapters 1–2.

Selected authorities

Read the cited provisions in the version applicable to the client’s conduct. The chapter citations identify the relevant legal issue and subdivision. Agency guidance explains administration and procedure; statutes, regulations and judicial decisions supply the governing law.

1. 15 NYCRR § 131.3(a), (b)(1)–(7), (c): point values, exclusions and violation-date rule. Regulation (text reproduced by Cornell LII). [Read 15 NYCRR § 131.3\(a\), \(b\)\(1\)–\(7\), \(c\)](#)
2. NYS DMV, Memorandum P-2 / M-1 (Jan. 30, 2026), pp. 1–2. Official DMV implementation memorandum; government-hosted PDF. [Read NYS DMV, Memorandum P-2 / M-1 \(Jan. 30, 2026\), pp. 1–2. Official DMV implementation memorandum](#)
3. 15 NYCRR § 131.4(a)–(e): administrative action and exceptions. Regulation. [Read 15 NYCRR § 131.4\(a\)–\(e\)](#)
4. 15 NYCRR § 131.5(a)–(b): point reduction, timing and existing action. Regulation. [Read 15 NYCRR § 131.5\(a\)–\(b\)](#)
5. VTL § 503(2)(j)-1, (4)(a)–(e): specified suspension-termination fee and point-based Driver Responsibility Assessment. Statute. [Read VTL § 503\(4\)\(a\)–\(e\)](#)
6. VTL § 1199(1)–(5): alcohol/refusal Driver Responsibility Assessment. Statute. [Read VTL § 1199\(1\)–\(5\)](#)
7. VTL § 511(1)–(7): aggravated unlicensed operation, defense, pleas and sentencing. Statute. [Read VTL § 511\(1\)–\(7\)](#)
8. VTL § 509(1)–(12): licensing offenses and penalties. Statute. [Read VTL § 509\(1\)–\(12\)](#)
9. VTL § 511-a(1)–(5): facilitating aggravated unlicensed operation. Statute. [Read VTL § 511-a\(1\)–\(5\)](#)
10. VTL § 510(2)(a)(iv), (3), (3-a), (4-a), (6): mandatory and discretionary licensing action and restoration. Use presently effective text; distinguish provisions expressly effective May 26, 2027. [Read VTL § 510\(2\)\(a\)\(iv\), \(3\), \(3-a\), \(4-a\), \(6\)](#)
11. VTL § 227(1)–(4), (6): TVB proof, adjournments and determinations. Statute. [Read VTL § 227\(1\)–\(4\), \(6\)](#)
12. 15 NYCRR § 123.5(a)–(b): required appearance in TVB. Regulation. [Read 15 NYCRR § 123.5\(a\)–\(b\)](#)
13. 15 NYCRR § 124.9(a)–(d): officer nonappearance. Regulation. [Read 15 NYCRR § 124.9\(a\)–\(d\)](#)
14. *People v. Willis*, 44 N.Y.3d 14, 20–23 (2025): misdemeanor-complaint sufficiency following waiver of information. Court of Appeals decision. [Read *People v. Willis*, 44 N.Y.3d 14, 20–23 \(2025\)](#)
15. *People v. Thompson*, 79 Misc. 3d 127(A), 2023 N.Y. Slip Op. 50644(U), *1 (App. Term 1st Dep’t 2023). Judicial decision; information sufficiency. [Read *People v. Thompson*, 79 Misc. 3d 127\(A\), 2023 N.Y. Slip Op. 50644\(U\), *1 \(App. Term 1st Dep’t 2023\). Judicial decision](#)
16. *People v. Scott*, 47 Misc. 3d 138(A), 2015 N.Y. Slip Op. 50588(U), *1–2 (App. Term 2d Dep’t 2015). Judicial decision; pleading versus trial proof. [Read *People v. Scott*, 47 Misc. 3d 138\(A\), 2015 N.Y. Slip Op. 50588\(U\), *1–2 \(App. Term 2d Dep’t 2015\). Judicial decision](#)
17. *People v. Pilatasig*, 70 Misc. 3d 140(A), 2021 N.Y. Slip Op. 50125(U), *1–3 (App. Term 2d Dep’t 2021). Judicial decision; operation, mailing proof and confrontation. [Read *People v. Pilatasig*, 70 Misc. 3d 140\(A\), 2021 N.Y. Slip Op. 50125\(U\), *1–3 \(App. Term 2d Dep’t 2021\). Judicial decision](#)

18. 15 NYCRR § 136.5(a)–(e): incident definitions, lifetime and twenty-five-year review, denial and waiting branches, restrictions, written grounds and discretionary exceptions. Compare the adopted text in authorities 43–45 for the alcohol/drug exclusions in (a)(2)(iii)–(iv); the Cornell reproduction retrieved October 12, 2026 omits the exclusion in (iii). [Read 15 NYCRR § 136.5\(a\)–\(e\)](#)
19. *Matter of Acevedo v. New York State Dept. of Motor Vehs.*, 29 N.Y.3d 202, 219–229 (2017). Court of Appeals decision; former regulations, delegated authority and prospective relicensing. [Read *Matter of Acevedo v. New York State Dept. of Motor Vehs.*, 29 N.Y.3d 202, 219–229 \(2017\). Court of Appeals decision](#)
20. State Administrative Procedure Act §202(1), (4-a), (5): proposal, revised rulemaking, adoption and assessment of public comment. [Read State Administrative Procedure Act §202\(1\), \(4-a\), \(5\)](#)
21. 15 NYCRR § 127.14(a)–(f): toll notices, defined commercial vehicles, hearing and clearance. Regulation. [Read 15 NYCRR § 127.14\(a\)–\(f\)](#)
22. VTL § 512: operation during registration suspension or revocation. Statute. [Read VTL § 512](#)
23. VTL § 510-a(3), (4), (4-a), (5), (7)–(10): commercial-driver consequences. Statute. [Read VTL § 510-a\(3\), \(4\), \(4-a\), \(5\), \(7\)–\(10\)](#)
24. 49 CFR §384.226: prohibition on masking covered CLP/CDL convictions. eCFR retrieved October 12, 2026; displayed current through October 8, 2026. [Read 49 CFR §384.226](#)
25. 35 RCNY § 80-27(a)(1)–(7), TLC Chapter 80, pp. 60–62 (agency PDF updated June 6, 2025): Persistent Violator Program, conviction dates, single-incident treatment and point-type-specific course reductions. [Read 35 RCNY § 80-27\(a\)\(1\)–\(7\), TLC Chapter 80, pp. 60–62 \(agency PDF updated June 6, 2025\)](#)
26. VTL § 125: motor-vehicle definition and electric-device exclusions. Statute. [Read VTL § 125](#)
27. NYS DMV, The New York State Driver Point System. Agency explanation; read alongside controlling regulation. [Read NYS DMV, The New York State Driver Point System. Agency explanation](#)
28. NYS DMV, Point and Insurance Reduction Program, Benefits and Point Reductions sections. Agency guidance. [Read NYS DMV, Point and Insurance Reduction Program, Benefits and Point Reductions sections](#)
29. NYS DMV, Driver Responsibility Assessment, About, Dates and Fees sections. Agency guidance. [Read NYS DMV, Driver Responsibility Assessment, About, Dates and Fees sections](#)
30. NYS DMV, Plead To or Pay New York City TVB Traffic Tickets. Agency procedural guidance; current appearance options. [Read NYS DMV, Plead To or Pay New York City TVB Traffic Tickets. Agency procedural guidance](#)
31. NYS DMV, Registration Suspensions for Failure to Pay Tolls. Agency guidance; duplicated threshold wording is not substituted for § 127.14. [Read NYS DMV, Registration Suspensions for Failure to Pay Tolls. Agency guidance](#)
32. NYS DMV, Suspensions and Revocations; Request Restoration After a Driver License Revocation. Agency guidance; license and New York privilege, restoration evidence and review routes. [Read Suspensions and Revocations. Read Request Restoration After a Driver License Revocation.](#)
33. NYS DMV, DMV Reminds New Yorkers of Updated Point Values for Driving Violations (Feb. 5, 2026). Agency announcement; amendment chronology. [Read NYS DMV, DMV Reminds New Yorkers of Updated Point Values for Driving Violations \(Feb. 5, 2026\). Agency announcement](#)
34. NYS DMV, NYS DMV Prepares for Launch of New, Modernized System (Jan. 16, 2026). Agency announcement; anticipated February 18 service resumption. [Read NYS DMV, NYS DMV Prepares for Launch of New, Modernized System \(Jan. 16, 2026\). Agency announcement](#)

35. NYS DMV, Appeal a TVB Ticket Conviction: thirty-day appeal, AA-33, fee and distinction from other DMV hearing appeals. Agency guidance. [Read NYS DMV, Appeal a TVB Ticket Conviction](#)
36. CPLR 217(1): limitations period for review of a final and binding determination, subject to a shorter applicable period. [Read CPLR 217\(1\)](#)
37. CPLR 7803(1)–(4): questions available in Article 78 review, including legal error, arbitrary action and substantial evidence. [Read CPLR 7803\(1\)–\(4\)](#)
38. CPLR 7805: discretionary stay and interim relief. [Read CPLR 7805](#)
39. 35 RCNY §§ 80-08(c)(2)(ii), 80-11(c), TLC Chapter 80, pp. 14, 17 (agency PDF updated June 6, 2025): discretionary denial of a new application for the specified unlicensed-operation infraction; valid underlying chauffeur's license and New York privilege requirements. [Read 35 RCNY §§ 80-08\(c\)\(2\)\(ii\), 80-11\(c\), TLC Chapter 80, pp. 14, 17 \(agency PDF updated June 6, 2025\)](#)
40. *People v. Weinberg*, 83 N.Y.2d 262, 268 (1994): no entitlement to advocate jury nullification in summation. [Read *People v. Weinberg*, 83 N.Y.2d 262, 268 \(1994\)](#)
41. *People v. Mendoza*, 33 N.Y.3d 414, 418–420 (2019): record-specific ineffective-assistance analysis; nullification remains unsanctioned. [Read *People v. Mendoza*, 33 N.Y.3d 414, 418–420 \(2019\)](#)
42. 15 NYCRR §§ 132.1–132.3: current-license review, dangerous-repeat-offender definitions, triggering-violation exclusions and hearing standard. Regulation text reproduced by Cornell LII; compare DMV's current safety-hearing guidance. [Read § 132.1 definitions](#); [Read § 132.2 record review](#); [Read § 132.3 hearing standard](#).
43. New York State Register, July 17, 2024, pp. 15–18, MTV-36-23-00031-RP: revised text later adopted without change, including both § 136.5(a)(2)(iii)–(iv) exclusions. Official rulemaking publication. [Read July 17, 2024 revised rule, PDF pp. 21–24](#).
44. New York State Register, November 6, 2024, p. 5, MTV-36-23-00031-A, Filing 911: adoption of amendments to §§ 131.3, 131.4, 136.5 and 136.6; text unchanged from the July 17 revised rule. [Read November 6, 2024 adoption, PDF p. 11](#).
45. New York State Register, January 14, 2026, p. 76: DMV public notice specifying February 16, 2026 enforceability of § 131.3(b), § 131.4(a)–(c), § 136.5(a)(2)(iii)–(iv) and § 136.6(a). [Read January 14, 2026 enforceability notice, PDF p. 82](#).
46. NYS DMV, Safety and Business Hearings, Repeat Alcohol/Drug Offender and After Your Hearing sections: Part 132 hearing route and sixty-day AA-33A appeal guidance. Agency guidance retrieved October 12, 2026. [Read DMV safety-hearing guidance](#).
47. 15 NYCRR §§ 136.1(b)(5), 136.4(a)(3), (f), 136.6(a)–(e): safety-factor definitions, negative-unit denial ground and discretion, incident timing, independent factors and PIRP exclusion. Read the amended table with authorities 43–45. [Read § 136.1 definitions](#); [Read § 136.4 denial grounds](#); [Read § 136.6 negative-unit table](#).