

Laws & regulations summary:

New York

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Ratings

Young driver licensing	G
Safety belt use	F
Child restraint use	G
Motorcycle helmet use	G
Red light camera	M

Legend:

- G** = Good
- F** = Fair
- M** = Marginal
- P** = Poor

Secondary enforcement means that police must stop motorists for other violations before enforcing this law

How the Institute rates the laws

DUI/DWI

BAC defined as illegal per se	0.08
Administrative license suspension 1st offense?	variable ¹
Restore driving privileges during suspension?	yes ²
Do penalties include interlock?	yes
Do penalties include vehicle forfeiture for multiple offenses?	yes
Open container laws	driver/passenger

Restrictions on cellphone use and texting

Hand-held ban	all drivers
Young drivers all cellphone ban	no
Bus drivers all cellphone ban	no
Texting ban	all drivers
Enforcement	primary; secondary for text messaging

Maximum posted speed limits for passenger vehicles

Rural interstates (mph)	65
Urban interstates (mph)	65
Other limited access roads (mph)	65
Other roads (mph)	55

Licensing system for young drivers — learner stage

Minimum entry age	16 ³
Mandatory holding period	6 months
Minimum amount of supervised driving	50 hours, 15 of which must be at night

Licensing system for young drivers — intermediate stage restrictions on driving while unsupervised

Minimum age	16, 6 months ³
Nighttime restrictions	9 pm-5 am
Passenger restrictions (family members excepted unless otherwise noted)	no more than 1 passenger younger than 21 ³

Licensing system for young drivers — minimum age at which restrictions may be lifted

Nighttime restrictions	17 (18 without driver education) 3
Passenger restrictions	17 (18 without driver education) 3

Older driver licensing procedures

Length of regular renewal cycle	8 years
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Special licensing provisions for older drivers

Accelerated renewal	none
Other provisions	none

Child restraint laws

Must be in child restraint	3 and younger unless they weigh more than 40 pounds and are seated where there is no available lap/shoulder belt; 4 through 7 years unless they are seated where there is
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	no available lap/shoulder belt
Adult safety belt permissible	8 through 15 years; children who weigh more than 40 pounds or children 4 through 7 years in a seating position where there is no available lap/shoulder belt
Maximum fine 1st offense	\$100 ⁴
Seating preference	law states no preference for rear seat
Children not covered	all children covered

Safety belt use

Initial effective date	12/01/84
Standard enforcement?	yes; effective 12/01/84
Who is covered? In what seats?	16+ years in front seat
Maximum fine 1st offense	\$50 ⁵
Can nonuse decrease monetary awards for injuries in lawsuits?	yes

Motorcycle helmets

Motorcyclists covered	all riders
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Bicycle helmets

Covered by state law	1-13 (riding with children younger than 1 prohibited)
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Restrictions on riding in cargo areas of pickup trucks

Restrictions on riding in cargo areas	yes
Gaps in coverage	inapplicable to trips of 5 miles or less; inapplicable to trips of more

than 5 miles if one-third or less of the passengers are standing or if suitable seats are securely attached and there are side rails and a tailgate; inapplicable to trips of more than 5 miles if there are less than 5 persons 17 or younger in the cargo area or if at least one person 18 or older is in the cargo area



Low-speed vehicles

On which roads are low-speed vehicles permitted?	roads with a posted speed limit of 35 mph or less
What is the top speed permissible for low-speed vehicles?	25 mph



Medium-speed vehicles

On which roads are medium-speed vehicles permitted?	no state law
What is the top speed permissible for medium-speed vehicles?	—



Minitruck vehicles

Initial effective date	no state law
Where permitted	—
Speed restrictions	—

Vehicle classification under state law —

Automated enforcement

Notes —

Automated enforcement - red light

Statewide or only specified locations?	cities of at least 1 million people, up to 150 intersections in each city; Effective 5/28/09: counties of Nassau and Suffolk, the cities of Rochester and Buffalo, by local ordinance, up to 50 intersections; Yonkers, by local ordinance, up to 25 intersections
Violations	red light
Citations issued to whom?	owner
Who is liable?	owner
What image is taken?	2 or more images of rear of vehicle and tag in any medium
Traditional enforcement penalty	\$100 maximum fine/3 points
Auto enforcement penalties/record	\$50 fine; not a record or conviction offense; may not be used by insurers

Automated enforcement - speed

Statewide or only specified locations?	—
Violations	—
Citations issued to whom?	—
Who is liable?	—
What image is taken?	—
Traditional enforcement penalty	—
Auto enforcement penalties/record	—

Automated enforcement - rail crossing

Statewide or only specified locations?	—
Violations	—
Citations issued to whom?	—
Who is liable?	—
What image is taken?	—
Traditional enforcement penalty	—

Auto enforcement penalties/record —

Automated enforcement - other violations

Statewide or only specified locations? —

Violations —

Citations issued to whom? —

Who is liable? —

What image is taken? —

Traditional enforcement penalty —

Auto enforcement penalties/record —

¹In New York, administrative license suspension lasts until prosecution is complete.

²Drivers usually must demonstrate special hardship to justify restoring privileges during suspension, and then privileges often are restricted.

³The minimum age for an unrestricted driver's license is 18 (17 if the applicant has completed driver education). The exception is New York City where driving is prohibited unless the driver is 18 or older. Effective, September 1, 2003, New York enacted a passenger restriction that applies to permit holders and license holders younger than 18 (17 if the applicant has completed driver education).

⁴This state assesses points for violations.

⁵New York only assesses points when the violation involves a child under 16.

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