

Compilation of Codes, Rules and Regulations of the State of New York  
Title 15. Department of Motor Vehicles (Refs & Annos)  
Chapter I. Regulations of the Commissioner  
Subchapter J. Driver Rehabilitation Programs  
Part 131. Point System (Refs & Annos)

15 NYCRR 131.3

Section 131.3. Point values

Currentness

(a) All traffic violations shall be assigned a point value of two points, except as otherwise prescribed in subdivision (b) of this section.

(b) Exceptions.

(1) The following violations shall be assigned a point value of 11 points:

(i) any violation involving speeding more than 40 miles per hour over the speed limit;

(ii) any violation involving operation of a motor vehicle while such person's license or privilege is suspended or revoked, including conviction of section 511 of the Vehicle and Traffic Law, and for any other incident of driving during a period of license suspension or revocation; and

(iii) any alcohol- or drug-related driving conviction or incident, as such term is defined by 15 NYCRR § 136.5(a)(1).

(2) The following violations shall be assigned a point value of eight points:

(i) any violation involving speeding more than 30 but no more than 40 miles per hour over the speed limit;

(ii) any violation involving overtaking or passing a stopped school bus;

(iii) any violation involving the operation or movement of a vehicle or a combination of vehicles exceeding height limitations over, under, on, or through highways, bridges or highway structures, or the striking of a bridge or highway structure, pursuant to subdivisions (2) or (14) of section 385 of the Vehicle and Traffic Law; and

(iv) any violation involving driving through a highway construction or maintenance work area at a speed in excess of the posted work area speed limit, pursuant to subdivision (f) of section 1180 of the Vehicle and Traffic Law.

(3) The following violations shall be assigned a point value of six points:

(i) any violation involving speeding more than 20 but not more than 30 miles per hour over the speed limit.

(4) The following violations shall be assigned a point value of five points:

(i) reckless driving;

(ii) any violation involving the use of a mobile telephone or portable electronic device;

(iii) any violation involving a railroad crossing;

(iv) any violation involving facilitating aggravated unlicensed operation of a motor vehicle pursuant to section 511-a of the Vehicle and Traffic Law;

(v) any violation involving failure to exercise due care pursuant to section 1146 of the Vehicle and Traffic Law;

(vi) any violation involving a speed contest or race pursuant to section 1182 of the Vehicle and Traffic Law; and

(vii) any violation involving leaving the scene of a personal injury accident without reporting.

(5) The following violations shall be assigned a point value of four points:

(i) any violation involving speeding more than 10 but not more than 20 miles per hour over the speed limit;

(ii) following too closely; and

(iii) inadequate service brakes, except for such a violation committed by an employed driver during the course of their employment, which shall be subject to the provisions of subdivision (a) of this section.

(6) The following violations shall be assigned a point value of three points:

(i) any violation involving speed except where a different point value has been assigned;

(ii) any violation constituting a failure to yield the right-of-way;

(iii) any violation involving disobeying a traffic control signal or a stop or yield sign;

(iv) any violation involving improper passing, changing lanes unsafely, driving to left of center of roadway, or driving in the wrong direction;

(v) leaving the scene of a property damage incident or injury to an animal without reporting; and

(vi) any violation involving use of safety belts or seats by a child under the age of 16.

(7) The following violations shall not be assigned any point value:

(i) any violation relating to vehicle registration, licensing or insurance;

(ii) any violation relating to motor vehicle inspection, vehicle weights or dimensions or vehicle equipment other than inadequate service brakes;

(iii) any parking violation;

(iv) any pedestrian or bicycle violation;

(v) any violation relating to a business or the sale of goods established in the Vehicle and Traffic Law or any local law;

(vi) any other violation not resulting from the operation of a motor vehicle; and

(vii) any violation of section 1110(a) of the Vehicle and Traffic Law relative to the improper use of high occupancy vehicle lanes in Suffolk County, between exits 49 and 57 of the Long Island Expressway.

(8) Point values for violations committed on or after July 1, 1988, shall be assigned in accordance with the provisions of this section which became effective on October 12, 1988.

\*The proposed regulations will not be enforceable until the thirtieth day following publication in the State Register of notice to the public that the Commissioner has determined that the Department's systems are prepared to implement the proposed regulatory changes.

(c) Point values assessed shall be assessed as of the date of violation.

**Credits**

Sec. filed Oct. 13, 1971; ams. filed: March 10, 1976; June 14, 1988 as emergency measure; Aug. 12, 1988 as emergency measure; Sept. 20, 1988; May 24, 1994 as emergency measure; Aug. 8, 1994; June 24, 2002 eff. July 10, 2002. Added (b)(7) (ix); ams. filed Feb. 1, 2011 eff. Feb. 16, 2011; amd. filed Sept. 20, 2011 eff. Oct. 5, 2011; emergency rulemaking eff. June 1, 2013, expired; amd. filed Aug. 6, 2013 eff. Aug. 21, 2013; amd. filed Aug. 9, 2016 eff. Aug. 24, 2016; amd. filed Oct. 17, 2024 eff. Nov. 6, 2024 (Register dated Nov. 6, 2024).

Current with amendments included in the New York State Register, Volume XLVII, Issue 2, dated January 15, 2025. Some sections may be more current, see credits for details.

N.Y. Comp. Codes R. & Regs. tit. 15, § 131.3, 15 NY ADC 131.3

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Part 131. Point System (Refs & Annos)

15 NYCRR 131.4

Section 131.4. Administrative action

Currentness

(a) A motorist may be mailed a letter advising them of the status of their driving record and any possible future action which may be taken in the event of his accumulation of additional points when a motorist has accumulated between four and six points within a 24-month period.

(b) A motorist may be required to attend a driver improvement clinic when they have accumulated between 7 and 10 points within a 24-month period. Failure to attend a driver improvement clinic when required may result in the suspension of the motorist's license as prescribed in Part 132 of this Title.

(c) A motorist may be required to attend a formal hearing to investigate habitual or persistent violation of the provisions of the Vehicle and Traffic Law or of any lawful ordinance, rule or regulation made by local authorities in relation to traffic at which suspension or revocation action may be taken against their license when they have accumulated:

(1) eleven or more points within a 24-month period, except when (i) all such points result from a single alcohol- or drug-related driving conviction or incident as defined by paragraph (1) of subdivision (a) of section 136.5 of this Title, or (ii) all such points result from a single violation of section 511 of the Vehicle and Traffic Law;

(2) nine or more points resulting from speeding violations within a 24-month period; or

(3) four or more additional points within a 12-month period after having attended a formal hearing.

\*The proposed regulations will not be enforceable until the thirtieth day following publication in the State Register of notice to the public that the Commissioner has determined that the Department's systems are prepared to implement the proposed regulatory changes.<sup>1</sup>

(d) A motorist may be required to attend a formal hearing to investigate habitual or persistent violation of the provisions of the Vehicle and Traffic Law or of any lawful ordinance, rule or regulation made by local authorities in relation to traffic at which suspension or revocation action may be taken against his license even though the motorist has not reached a point total specified in subdivision (c) of this section if he has been charged with three or more violations for which points are assessed within an unusually short period of time, which driving record, in the discretion of the commissioner, would tend to indicate that such person may be a persistent violator of traffic laws or regulations.

(e) If a motorist is required to attend a hearing based upon a single violation which is assigned a point value of 11 points, the hearing will be to investigate the specific violation involved, pursuant to paragraph (a) of subdivision 3 of section 510 of the Vehicle and Traffic Law, rather than to investigate habitual or persistent violations of law.

**Credits**

Sec. filed Oct. 13, 1971; ams. filed: July 30, 1973; June 14, 1988 as emergency measure; Aug. 12, 1988 as emergency measure; Sept. 20, 1988 eff. Oct. 12, 1988. Added (e); amd. filed Oct. 17, 2024 eff. Nov. 6, 2024 (Register dated Nov. 6, 2024).

Current with amendments included in the New York State Register, Volume XLVII, Issue 2, dated January 15, 2025. Some sections may be more current, see credits for details.

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**Footnotes**

1 So in original.

N.Y. Comp. Codes R. & Regs. tit. 15, § 131.4, 15 NY ADC 131.4

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Subchapter J. Driver Rehabilitation Programs  
Part 136. Licensing or Relicensing After Revocation Action (Refs & Annos)

15 NYCRR 136.5

Section 136.5. Special rules for applicants with multiple alcohol- or drug-related driving convictions  
or incidents and for applicants with an alcohol-related conviction related to a fatal accident

Currentness

(a) For the purposes of this section:

(1) *Alcohol- or drug-related driving conviction or incident* means any of the following, not arising out of the same incident:

(i) a conviction or a youthful offender adjudication of a violation of section 1192 of the Vehicle and Traffic Law or an out-of-state conviction for operating a motor vehicle while under the influence of alcohol or drugs;

(ii) a finding of a violation of section 1192-a of the Vehicle and Traffic Law or a finding of a refusal to submit to a chemical test under section 1194-a of the Vehicle and Traffic Law; provided, however, that no such findings shall be considered after the expiration of the retention period contained in paragraph (k) of subdivision 1 of section 201 of the Vehicle and Traffic Law;

(iii) a conviction of an offense under the Penal Law for which a violation of section 1192 of the Vehicle and Traffic Law is an essential element; or

(iv) a finding of refusal to submit to a chemical test under section 1194 of the Vehicle and Traffic Law, where such finding does not arise out of an incident that resulted in a conviction of a violation of section 1192 of the Vehicle and Traffic Law.

(2) *Serious driving offense* means:

(i) a fatal accident;

(ii) a driving-related Penal Law conviction;

(iii) conviction of two or more violations other than as defined in paragraph (1) of this subdivision, for which five or more points are assessed on a violator's driving record pursuant to section 131.3 of this Title; or

(iv) 20 or more points from any violations other than as defined in paragraph (1) of this subdivision.

(3) *25 year look back period* means the period commencing upon the date that is 25 years before the date of the revocable offense and ending on and including the date of the revocable offense.

(4) *Revocable offense* means the violation, incident or accident that results in the revocation of the person's drivers license and which is the basis of the application for relicensing. Upon reviewing an application for relicensing, the Commissioner shall review the applicant's entire driving record and evaluate any offense committed between the date of the revocable offense and the date the application is reviewed by the Commissioner as if it had been committed immediately prior to the date of the revocable offense. For purposes of this section, *date of the revocable offense* means the date of the earliest revocable offense that resulted in a license revocation for which the revocation has not been terminated by the Commissioner's subsequent approval of an application for relicensing.

(b) Upon receipt of a person's application for relicensing, the Commissioner shall conduct a lifetime review of such person's driving record. If the record review shows that:

(1) the person has four or more alcohol- or drug-related driving convictions or incidents in any combination within their lifetime, then the commissioner shall deny the application.

(2) the person has three alcohol- or drug-related driving convictions or incidents in any combination within the 25 year look back period and, in addition, has one or more serious driving offenses within the 25 year look back period, then the commissioner shall deny the application;

(3)

(i) the person has three alcohol- or drug-related driving convictions or incidents in any combination within the 25 year look back period but no serious driving offenses within the 25 year look back period; and

(ii) the person is currently revoked for an alcohol- or drug-related driving conviction or incident, then the Commissioner shall deny the application for at least five years after which time the person may submit an application for relicensing. Such waiting period shall be in addition to the revocation period imposed pursuant to the Vehicle and Traffic Law. After such waiting period, the Commissioner may in his or her discretion approve the application, provided that upon such approval, the Commissioner shall impose the A2 restriction on such person's license for a period of five years and shall require the installation of an ignition interlock device in any motor vehicle owned or operated by such person for such five-year period. Such waiting period shall be extended for an additional five years if the Commissioner finds that the person has any incidents of driving during the waiting period, as indicated by accidents, convictions or pending tickets or adjudications. If such license with an A2 restriction is later revoked for a subsequent alcohol- or drug-related driving conviction or incident or for a conviction which arises out of a fatal accident, such person shall thereafter be ineligible for any kind of license to operate a motor vehicle.

(4)

(i) the person has three alcohol- or drug-related driving convictions or incidents in any combination within the 25 year look back period but no serious driving offenses within the 25 year look back period; and

\*The proposed regulations will not be enforceable until the thirtieth day following publication in the State Register of notice to the public that the Commissioner has determined that the Department's systems are prepared to implement the proposed regulatory changes.<sup>1</sup>

(ii) the person is not currently revoked as the result of an alcohol- or drug-related driving conviction or incident, then the Commissioner shall deny the application for at least two years, after which time the person may submit an application for relicensing. Such waiting period shall be in addition to the revocation period imposed pursuant to the Vehicle and Traffic Law.

After such waiting period, the Commissioner may in his or her discretion approve the application, provided that upon such approval, the Commissioner shall impose an A2 restriction, with no ignition interlock requirement, for a period of two years. Such waiting period shall be extended for an additional two years if the Commissioner finds that the person has any incidents of driving during the waiting period, as indicated by accidents, convictions or pending tickets or adjudications. If such license with an A2 restriction is later revoked for a subsequent alcohol- or drug-related driving conviction or incident or for a conviction which arises out of a fatal accident, such person shall thereafter be ineligible for any kind of license to operate a motor vehicle;

(5) the person has two alcohol- or drug-related driving convictions or incidents in any combination within the 25 year look back period, then the Commissioner may in his or her discretion approve the application after the minimum statutory revocation period is served.

(6) the person has been twice convicted of a violation of subdivision 3, 4 or 4-a of section 1192 of the Vehicle and Traffic Law or of driving while intoxicated or of driving while ability is impaired by the use of a drug or of driving while ability is impaired by the combined influence of drugs or of alcohol and any drug or drugs where physical injury, as defined in section 10.00 of the Penal law, has resulted from such offense in each instance, then the commissioner shall deny the application;

(7) the person is otherwise eligible for relicensing under this section, but is applying for relicensing due to revocation arising out of an alcohol-related conviction involving a fatal accident, the Commissioner may approve the application after the minimum revocation period is served, provided that upon such approval, the Commissioner shall impose the A2 restriction on such person's license for a period of three years and shall require the installation of an ignition interlock device in any motor vehicle owned or operated by such person for such period. For the purpose of this paragraph, *alcohol-related conviction* shall mean:

(i) a conviction of a violation of section 1192 of the Vehicle and Traffic Law; or

(ii) a conviction of an offense under the Penal Law for which a violation of section 1192 of the Vehicle and Traffic Law is an essential element.

(c) The grounds for any denial shall be set forth in writing and a copy shall be made available to the person making the application for relicensing.

(d) While it is the Commissioner's general policy to act on applications in accordance with this section, the Commissioner shall not be foreclosed from consideration of unusual, extenuating and compelling circumstances that may be presented for review and which may form a valid basis to deviate from the general policy, as set forth above, in the exercise of discretionary authority granted under sections 510 and 1193 of the Vehicle and Traffic Law. If an application is approved based upon the exercise of such discretionary authority, the reasons for approval shall be set forth in writing and recorded. If an approval is granted based upon unusual, extenuating and compelling circumstances, the applicant may be issued a license or permit with a problem driver restriction, as set forth in section 3.2(c)(4) of this Title, and may be required to install an ignition interlock device in any motor vehicle owned or operated by such person for a period of five years. The provisions of this subdivision shall not apply to denials under paragraph (b)(6) of this section.

(e) If there are two alcohol or drug- related driving convictions or incidents on an applicant's driving record, the consideration of an application for relicensing shall be held in abeyance if the applicant has at least one ticket pending for alcohol or drug-related driving offenses where the pending ticket or tickets, if disposed of as a conviction of the original charge, would result in the denial of the application. In addition, if, after an application for relicensing is approved, the Commissioner receives information that indicates that such application should have been denied or that the applicant operated a motor vehicle prior to approval or after approval of such application but prior to obtaining a valid permit or license, the Commissioner shall rescind such approval and the license or privilege granted shall be revoked.

#### Credits

Sec. filed Jan. 15, 1980; amds. filed: Feb. 2, 1983; April 25, 1984 eff. April 25, 1984; amds. filed Feb. 8, 2011 eff. Feb. 23, 2011; emergency rulemaking eff. Sept. 25, 2012, expired Dec. 23, 2012; emergency rulemaking eff. Dec. 24, 2012, expired Feb. 21, 2013; emergency rulemaking eff. Feb. 22, 2013, expired; amd. filed April 15, 2013 eff. May 1, 2013; amd. filed Jan. 21, 2015 eff. Feb. 11, 2015; amd. filed June 21, 2016 eff. July 6, 2016; amd. filed Oct. 17, 2024 eff. Nov. 6, 2024 (Register dated Nov. 6, 2024).

Current with amendments included in the New York State Register, Volume XLVII, Issue 2, dated January 15, 2025. Some sections may be more current, see credits for details.

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#### Footnotes

1 So in original.

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15 NYCRR 136.6

Section 136.6. Weighing of safety factors

Currentness

(a) There shall be assigned to each safety factor a negative unit as follows:

<i>Safety factor</i>	<i>Assigned Negative Units</i>	
	<b>over one year to four years of application</b>	<b>within one year of application</b>
(1) for each reportable accident of record with a finding by the referee of gross negligence in the operation of a motor vehicle in a manner showing a reckless disregard for the life and property of others	-5	-8
(2) for each reportable accident of record with conviction involvement or with a finding by the referee of a violation of the Vehicle and Traffic Law	-3	-4
(3) for the first and second speeding conviction of record**	-3	-4
(4) for the third and subsequent speeding conviction*	-5	-8
(5) for reckless driving, speed contest, overtaking or passing a stopped school bus, any violation involving the use of a mobile telephone or	-8	-11

portable electronic device, or operation or movement of a vehicle exceeding height limitations on highways, bridges, or highway structures, or striking bridges or highway structures, pursuant to Vehicle and Traffic Law § 385(2) or (14), or speeding in a work zone in excess of the posted speed limit pursuant to Vehicle and Traffic Law § 1180(f)		
(6) for each conviction of record for leaving the scene of a personal injury accident of record	-8	-11
(7) for each alcohol-related offense of record as follows:		
(i) conviction for violation of subdivision (1) of section 1192 of the Vehicle and Traffic Law:		
first offense	-8	-11
second offense	-11	-14
third offense	-14	-17
(ii) conviction for violation of subdivision (2), (2-a), (3), (4), or (4-a) of section 1192 of the Vehicle and Traffic Law:		
first offense	-11	-14
second or subsequent offense	-14	-17
(iii) chemical test refusal	-9	-14
(8) for each conviction of homicide, criminally negligent homicide, or assault arising out of the operation of a motor vehicle	-14	-17

(9)(i) for each incident of driving during a period of alcohol- related license suspension or revocation	-13	-15
(ii) for each other incident of driving during a period of license suspension or revocation	-11	-13
(10) for each conviction or finding by the commissioner's referee of a violation of section 392 of the Vehicle and Traffic Law	-3	-4
(11) for each other conviction of record for a moving violation	-2	-3

\*\* For each speeding violation of 25 miles per hour or more over the posted speed limit, add one unit.

\* The proposed regulations will not be enforceable until the thirtieth day following publication in the State Register to the public that the Commissioner has determined that the Department's systems are prepared to implement the regulatory changes.

(b) The point reduction program shall not apply to any of the negative units listed in subdivision (a) of this section.

(c) For the purpose of this Part, the time periods for the computation of safety factors shall commence as of the date on which the incident occurred.

(d) In any case where two or more safety factors which are not independent of each other arise out of a single incident, only one of these safety factors shall be taken into consideration. The safety factor which shall be taken into consideration in these cases shall be the safety factor having the greater weight, except that where two safety factors are of equal weight, either one may be taken into consideration.

*Examples:*

(1) Where an accident and a conviction for reckless driving arise out of the same incident, only the reckless driving conviction, which is the safety factor having the greater weight, is considered, because these safety factors are not independent of each other.

(2) Where a conviction of any subdivision of Section 1192 of the Vehicle and Traffic Law and a finding of a chemical test refusal arise out of the same incident, only one of these two safety factors having equal weight is considered, because these safety factors are not independent of each other.

(3) Where a person is convicted of reckless driving and the incident occurred during a period of license revocation, both of these safety factors shall be taken into consideration because these safety factors are independent of each other.

(4) Where a person is convicted of speeding and failure to keep right, where both violations occurred at the same time, both of these safety factors shall be taken into consideration, because these safety factors are independent of each other.

(e) Where a person is convicted of or adjudicated for an offense committed outside of this state, and where such offense has been made part of the person's New York State driving record, such offense shall carry the equivalent safety factor assigned under subdivision (a) of this section, as if the offense was committed in this state.

### Credits

Sec. filed Jan. 15, 1980; amds. filed: Feb. 2, 1983; May 21, 2002; Nov. 1, 2006 as emergency measure; Jan. 30, 2007 as emergency measure; April 30, 2007 as emergency measure; June 19, 2007 eff. July 3, 2007. Amended (a), (d); amds. filed Feb. 8, 2011 eff. Feb. 23, 2011; amd. filed Oct. 17, 2024 eff. Nov. 6, 2024 (Register dated Nov. 6, 2024).

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<sup>1</sup> So in original.

N.Y. Comp. Codes R. & Regs. tit. 15, § 136.6, 15 NY ADC 136.6