

3140

2015-2016 Regular Sessions

I N S E N A T E

February 2, 2015

Introduced by Sen. CROCI -- read twice and ordered printed, and when
printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to veteran
suspended licenses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 3 of section 503 of the vehicle and traffic
2 law, as amended by chapter 548 of the laws of 1986, is amended to read
3 as follows:
4 3. Waiver of fee. (A) The commissioner may waive the payment of fees
5 required by subdivision two of this section if the applicant:
6 (i) is an inmate in an institution under the jurisdiction of a state
7 department or agency, or
8 (ii) is a victim of crime and the driver's license or learner's permit
9 applied for is a replacement for one that was lost or destroyed as a
10 result of the crime.
11 (B) A MILITARY SERVICE MEMBER, INCLUDING A MEMBER OF THE UNITED STATES
12 ARMY, NAVY, AIR FORCE, MARINES OR COAST GUARD, OR A MEMBER OF THE NEW
13 YORK ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NAVAL MILITIA OR STATE
14 GUARD, WHOSE LICENSE OR REGISTRATION IS SUSPENDED OR REVOKED DURING THE
15 PENDENCY OF ACTIVE DUTY MILITARY SERVICE OUTSIDE THE STATE, SHALL, UPON
16 THE SUBMISSION OF PROOF OF SUCH ACTIVE SERVICE TO THE COMMISSIONER, BE
17 LIFTED AND VACATED UPON ORDER OF THE COMMISSIONER, WITHOUT COST, FEE,
18 FINE, OR PENALTY. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION,
19 THE COMMISSIONER MAY IMPOSE A NEW SUSPENSION OF SUCH SERVICE MEMBER'S
20 DRIVER'S LICENSE OR REGISTRATION, AFTER SIXTY DAYS OF THE RETURN OF THE
21 SERVICE MEMBER FROM SUCH ACTIVE MILITARY SERVICE, OR AFTER SIXTY DAYS OF
22 THE LIFTING OR VACATING OF THE SUSPENSION OR REVOCATION, WHICHEVER IS
23 LATER, IF THE REASON UPON WHICH THE LICENSE OR REGISTRATION WAS
24 ORIGINALLY SUSPENDED, HAS NOT BEEN RESOLVED. PRIOR TO THE ISSUANCE OF
25 THE NEW SUSPENSION OR REVOCATION, THE COMMISSIONER SHALL NOTIFY THE

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 SERVICE MEMBER NOT LESS THAN THIRTY DAYS BEFORE SUCH NEW SUSPENSION OR
2 REVOCATION WOULD TAKE EFFECT. NO SUSPENSION OR REVOCATION OF A LICENSE
3 OF A SERVICE MEMBER SHALL BE LIFTED OR VACATED IN ACCORDANCE WITH THIS
4 SUBDIVISION, IF SUCH SUSPENSION OR REVOCATION WAS IMPOSED AS A RESULT OF
5 A COURT ORDER ISSUED PRIOR TO THE DATE OF THE SERVICE MEMBER'S ACTIVE
6 DUTY, IN A PROCEEDING IN WHICH THE SERVICE MEMBER PERSONALLY APPEARED.

7 (C) ANY ACTION OR PROCEEDING RESULTING IN THE CONVICTION IN ABSENTIA
8 OF A MILITARY SERVICE MEMBER, INCLUDING A MEMBER OF THE UNITED STATES
9 ARMY, NAVY, AIR FORCE, MARINES OR COAST GUARD, OR A MEMBER OF THE NEW
10 YORK ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NAVAL MILITIA OR STATE
11 GUARD, FOR A VIOLATION OF THE VEHICLE AND TRAFFIC LAW, DURING THE
12 PENDENCY OF ACTIVE DUTY MILITARY SERVICE OUTSIDE THE STATE, SHALL, UPON
13 THE SUBMISSION OF PROOF OF SUCH ACTIVE SERVICE TO THE COMMISSIONER,
14 CAUSE THE COMMISSIONER TO NOTIFY THE COURT WHERE THE SERVICE MEMBER WAS
15 CONVICTED, OF THE ACTIVE DUTY SERVICE OF THE SERVICE MEMBER, WHEREUPON
16 SUCH COURT SHALL IMMEDIATELY REVERSE AND VACATE SUCH CONVICTION, WITHOUT
17 COST, FEE, FINE, OR PENALTY, AND NOTIFY THE SERVICE MEMBER OF SUCH
18 ACTION. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, THE COURT
19 MAY ACCEPT A REFILEING OF THE CHARGES UPON WHICH SUCH SERVICE MEMBER WAS
20 ORIGINALLY CONVICTED, WITHOUT PREJUDICE, BY A PROSECUTING AUTHORITY,
21 AFTER SIXTY DAYS OF THE RETURN OF THE SERVICE MEMBER FROM SUCH ACTIVE
22 MILITARY SERVICE, OR AFTER SIXTY DAYS OF THE REVERSING OR VACATING OF
23 THE ORIGINAL CONVICTION, WHICHEVER IS LATER. IF THE ORIGINAL CHARGES ARE
24 SO REFILED, THE COURT SHALL NOTIFY THE SERVICE MEMBER NOT LESS THAN
25 THIRTY DAYS BEFORE SUCH CHARGES MUST BE ANSWERED. NO CONVICTION OF A
26 SERVICE MEMBER SHALL BE REVERSED OR VACATED IN ACCORDANCE WITH THIS
27 SUBDIVISION, IF SUCH CONVICTION WAS IMPOSED PRIOR TO THE DATE OF THE
28 SERVICE MEMBER'S ACTIVE DUTY, IN A PROCEEDING IN WHICH THE SERVICE
29 MEMBER PERSONALLY APPEARED.

30 (D) ANY ACTION OR PROCEEDING RESULTING IN THE CONVICTION IN ABSENTIA
31 OF A MILITARY SERVICE MEMBER, INCLUDING A MEMBER OF THE UNITED STATES
32 ARMY, NAVY, AIR FORCE, MARINES OR COAST GUARD, OR A MEMBER OF THE NEW
33 YORK ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NAVAL MILITIA OR STATE
34 GUARD, FOR A VIOLATION OF AN ADMINISTRATIVE CODE, INCLUDING A VIOLATION
35 OBSERVED BY RED LIGHT CAMERAS OR THE TERMS AND AGREEMENTS OF AN EZ PASS
36 CONTRACT, DURING THE PENDENCY OF ACTIVE DUTY MILITARY SERVICE OUTSIDE
37 THE STATE, SHALL, UPON THE SUBMISSION OF PROOF OF SUCH ACTIVE SERVICE TO
38 THE COMMISSIONER, CAUSE THE COMMISSIONER TO NOTIFY THE ADMINISTRATIVE
39 ENTITY WHICH DETERMINED SUCH CONVICTION, OF THE ACTIVE DUTY SERVICE OF
40 THE SERVICE MEMBER, WHEREUPON SUCH ADMINISTRATIVE ENTITY SHALL IMME-
41 DIATELY REVERSE AND VACATE SUCH CONVICTION, WITHOUT COST, FEE, FINE, OR
42 PENALTY, AND NOTIFY THE SERVICE MEMBER OF SUCH ACTION. NOTWITHSTANDING
43 THE PROVISIONS OF THIS SUBDIVISION, THE ADMINISTRATIVE ENTITY MAY ACCEPT
44 A REFILEING OF THE ADMINISTRATIVE CHARGES UPON WHICH SUCH SERVICE MEMBER
45 WAS ORIGINALLY CONVICTED, WITHOUT PREJUDICE, AFTER SIXTY DAYS OF THE
46 RETURN OF THE SERVICE MEMBER FROM SUCH ACTIVE MILITARY SERVICE, OR AFTER
47 SIXTY DAYS OF THE REVERSING OR VACATING OF THE ORIGINAL CONVICTION,
48 WHICHEVER IS LATER. IF THE ORIGINAL CHARGES ARE SO REFILED, THE ADMINIS-
49 TRATIVE ENTITY SHALL NOTIFY THE SERVICE MEMBER NOT LESS THAN THIRTY DAYS
50 BEFORE SUCH CHARGES MUST BE ANSWERED. NO CONVICTION OF A SERVICE MEMBER
51 SHALL BE REVERSED OR VACATED IN ACCORDANCE WITH THIS SUBDIVISION, IF
52 SUCH CONVICTION WAS IMPOSED PRIOR TO THE DATE OF THE SERVICE MEMBER'S
53 ACTIVE DUTY, IN A PROCEEDING IN WHICH THE SERVICE MEMBER PERSONALLY
54 APPEARED.

55 S 2. This act shall take effect on the first of November next succeed-
56 ing the date on which it shall have become a law.