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I N   A S S E M B L Y

July 6, 2010

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weisenberg)  
-- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to sanctions  
for driving while ability impaired while holding a conditional license

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

1     Section 1. Clauses d and e of subparagraph 7 of paragraph (e) of  
2     subdivision 2 of section 1193 of the vehicle and traffic law, as amended  
3     by chapter 251 of the laws of 2007, are amended to read as follows:  
4     d. Notwithstanding any contrary provision of this chapter, if any  
5     suspension occurring under this subparagraph has been in effect for a  
6     period of thirty days, [the holder may be issued] THE DEPARTMENT MAY,  
7     WITH THE CONSENT OF THE COURT, ISSUE a conditional license, in accordance  
8     with section eleven hundred ninety-six of this article, provided  
9     the holder of such license is otherwise eligible to receive such conditional  
10    license. A conditional license issued pursuant to this subparagraph  
11    shall not be valid for the operation of a commercial motor vehicle.  
12    The commissioner shall prescribe by regulation the procedures for  
13    the issuance of such conditional license.  
14    e. If the court finds that the suspension imposed pursuant to this  
15    subparagraph will result in extreme hardship, the court must issue such  
16    suspension, but may grant a hardship privilege, IN CONJUNCTION WITH THE  
17    INSTALLATION OF AN IGNITION INTERLOCK DEVICE, which shall be issued on a  
18    form prescribed by the commissioner. For the purposes of this clause,  
19    "extreme hardship" shall mean the inability to obtain alternative means  
20    of travel to or from the licensee's employment, or to or from necessary  
21    medical treatment for the licensee or a member of the licensee's household,  
22    or if the licensee is a matriculating student enrolled in an  
23    accredited school, college or university travel to or from such  
24    licensee's school, college or university if such travel is necessary for  
25    the completion of the educational degree or certificate. The burden of  
26    proving extreme hardship shall be on the licensee who may present material  
27    and relevant evidence. A finding of extreme hardship may not be  
28    based solely upon the testimony of the licensee. In no event shall

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

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1 arraignment be adjourned or otherwise delayed more than three business  
2 days solely for the purpose of allowing the licensee to present evidence  
3 of extreme hardship. The court shall set forth upon the record, or  
4 otherwise set forth in writing, the factual basis for such finding. The  
5 hardship privilege shall permit the operation of a vehicle only for  
6 travel to or from the licensee's employment, or to or from necessary  
7 medical treatment for the licensee or a member of the licensee's house-  
8 hold, or if the licensee is a matriculating student enrolled in an  
9 accredited school, college or university travel to or from such  
10 licensee's school, college or university if such travel is necessary for  
11 the completion of the educational degree or certificate. A hardship  
12 privilege shall not be valid for the operation of a commercial motor  
13 vehicle. A PRE-CONVICTION IGNITION INTERLOCK DEVICE INSTALLED PURSUANT  
14 TO THIS CLAUSE SHALL BE INSTALLED AND MAINTAINED IN THE SAME MANNER AS  
15 PRESCRIBED IN THIS ARTICLE.

16 S 2. This act shall take effect one year after it shall have become a  
17 law; provided, however, that the amendments to clauses d and e of  
18 subparagraph 7 of paragraph (e) of subdivision 2 of section 1193 of the  
19 vehicle and traffic law made by section one of this act shall not affect  
20 the repeal of such subparagraph and shall be deemed repealed therewith.