S T A T E O F N E W Y O R K

1333

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to postponements of hearings

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

Section 1. Section 225 of the vehicle and traffic law is amended by adding a new subdivision 4 to read as follows:

4. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS PROVIDING FOR THE POSTPONEMENT OF HEARINGS. SUCH RULES AND REGULATIONS SHALL PROVIDE THAT SUBSEQUENT TO THE ENTRY OF A PLEA OF NOT GUILTY A MOTORIST MAY REQUEST ONE POSTPONEMENT OF A HEARING BY TELEPHONE OR BY MAILING HIS OR HER REQUEST AT LEAST FOUR DAYS BEFORE THE HEARING DATE, TO THE HEARING OFFICE WHERE THE HEARING WILL BE HELD. SUCH MOTORIST SHALL BE NOTIFIED BY MAIL OF THE RESCHEDULED DATE OF THE HEARING. A MOTORIST MAY ALSO REQUEST A POSTPONEMENT BY APPEARING IN PERSON OR THROUGH A REPRESENTATIVE APPEARING IN PERSON (A) AT ANY HEARING OFFICE, AT LEAST ONE DAY BEFORE THE HEARING WILL BE HELD OR (B) AT THE HEARING OFFICE WHERE THE HEARING WILL BE HELD, FOR GOOD CAUSE SHOWN, ON THE DAY OF THE HEARING. FOR A SECOND OR SUBSEQUENT POSTPONEMENT THE MOTORIST OR HIS OR HER REPRESENTATIVE SHALL SHOW GOOD CAUSE. FOR THE PURPOSES OF THIS SUBDIVISION, "GOOD CAUSE" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY OF THE FOLLOWING: DEATH, SERIOUS BODILY INJURY OR ILLNESS OF A MEMBER OF THE MOTORIST'S IMMEDIATE FAMILY; ILLNESS OR SERIOUS BODILY INJURY OF THE MOTORIST; A CONFLICTING COURT APPEARANCE OF THE MOTORIST'S ATTORNEY; THE MOTORIST'S RELIGIOUS OBSERVANCE; OR ACADEMIC EXAMINATION. POSTPONEMENTS OF HEARINGS SHALL BE GRANTED IF AN ATTORNEY CONFLICT IS CREATED BY AN ADMINISTRATIVE ADJOURNMENT OR POLICE OFFICER UNAVAILABILITY. FOR A THIRD OR SUBSEQUENT POSTPONEMENT OF A HEARING BY A MOTORIST, THE HEARING OFFICER MAY ORDER THE POSTING OF SECURITY.

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

LBD00202-01-9

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such effective date.