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

5622

2009-2010 Regular Sessions

I N  A S S E M B L Y

February 13, 2009

Introduced by M. of A. MOLINARO, KOLB, ALFANO, CROUCH, McKEVITT, SPANO, TOBACCO, GIGLIO -- Multi-Sponsored by -- M. of A. BALL, BARRA, BROOK-KRASNY, CONTE, FINCH, MAYERSOHN, MILLER, TEDISCO, WALKER, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing the minimum period of license revocation for certain driving while intoxicated convictions

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

Section 1. Subparagraphs 2, 3, 4, 4-a, 5, 6 and 7 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, subparagraphs 2 and 3 as amended by chapter 732 of the laws of 2006, subparagraph 4 as amended and subparagraph 4-a as added by chapter 26 of the laws of 1996, subparagraph 5 as amended by section 3 of part J of chapter 59 of the laws of 2006, and subparagraphs 6 and 7 as amended by chapter 287 of the laws of 2000, are amended to read as follows:

(2) Driving while intoxicated or while ability impaired by drugs or while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs; aggravated driving while intoxicated. [Six months] ONE YEAR, where the holder is convicted of a violation of subdivision two, three, four or four-a of section eleven hundred ninety-two of this article. [One year] EIGHTEEN MONTHS where the holder is convicted of a violation of subdivision two-a of section eleven hundred ninety-two of this article.

(3) Driving while intoxicated or while ability impaired by drugs or while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs; aggravated driving while intoxicated; prior offense. [One year] TWO YEARS, where the holder is convicted of a violation of subdivision two, three, four or four-a of section eleven hundred ninety-two of this article committed within ten years of a conviction for a violation of subdivision two, three, four or four-a of

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

LBD07090-01-9

section eleven hundred ninety-two of this article. [Eighteen months] THREE YEARS, where the holder is convicted of a violation of subdivision two-a of section eleven hundred ninety-two of this article committed within ten years of a conviction for a violation of subdivision two, two-a, three, four or four-a of section eleven hundred ninety-two of this article; or where the holder is convicted of a violation of subdivision two, three, four or four-a of section eleven hundred ninety-two of this article committed within ten years of a conviction for a violation of subdivision two-a of section eleven hundred ninety-two of this article.

(4) Special vehicles other than school buses. [One year] TWO YEARS, where the holder is convicted of a violation of any subdivision of section eleven hundred ninety-two of this article and is sentenced pursuant to subparagraph one of paragraph (d) of subdivision one of this section.

(4-a) School buses. (A) [One year] TWO YEARS, where the holder is convicted of a violation of any subdivision of section eleven hundred ninety-two of this article, such violation was committed while the holder was driving a school bus, and the holder is sentenced pursuant to subparagraph one, one-a or four-a of paragraph (d) of subdivision one of this section.

(B) [Three] SIX years where the holder is convicted of a violation of any subdivision of section eleven hundred ninety-two of this article, such violation was committed while the holder was driving a school bus, and the holder is sentenced pursuant to subparagraph four of paragraph (d) of subdivision one of this section.

(C) Notwithstanding the provisions of the opening paragraph of this paragraph [(b)], the commissioner shall not revoke the registration of a school bus driven in violation of section eleven hundred ninety-two of this article.

(5) Holder of a commercial driver's license. (i) Except as otherwise provided in this subparagraph, [one year] TWO YEARS where the holder of a commercial driver's license is convicted of a violation of any subdivision of section eleven hundred ninety-two of this article or if such holder is convicted of an offense consisting of operating a motor vehicle under the influence of alcohol or drugs where such conviction was had outside of this state.

(ii) [Three] SIX years, where the holder is convicted of a violation of any subdivision of section eleven hundred ninety-two of this article, such violation was committed while the holder was operating a commercial motor vehicle transporting hazardous materials or if such holder is convicted of an offense consisting of operating a motor vehicle under the influence of alcohol or drugs where such conviction was had outside of this state.

(6) Persons under the age of twenty-one. [One year] TWO YEARS, where the holder is convicted of or adjudicated a youthful offender for a violation of any subdivision of section eleven hundred ninety-two of this article, or is convicted of or receives a youthful offender or other juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction, or youthful offender or other juvenile adjudication was had outside this state, where such person was under the age of twenty-one at the time of commission of such violation.

(7) Persons under the age of twenty-one; prior offense or finding. [One year] TWO YEARS or until the holder reaches the age of twenty-one, whichever is the greater period of time, where the holder has been found

to have operated a motor vehicle after having consumed alcohol in violation of section eleven hundred ninety-two-a of this article, or is convicted of, or adjudicated a youthful offender for, a violation of any subdivision of section eleven hundred ninety-two of this article, or is convicted of or receives a youthful offender or juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction, or youthful offender or other juvenile adjudication was had outside this state, where such person was under the age of twenty-one at the time of commission of such violation and has previously been found to have operated a motor vehicle after having consumed alcohol in violation of section eleven hundred ninety-two-a of this article, or has previously been convicted of, or adjudicated a youthful offender for, any violation of section eleven hundred ninety-two of this article not arising out of the same incident, or has previously been convicted of or received a youthful offender or juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor when the conviction, or youthful offender or other juvenile adjudication was had outside this state and not arising out of the same.

S 2. Subparagraph 8 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by section 1 of chapter 287 of the laws of 2000, is amended to read as follows:

(8) Out-of-state offenses. Except as provided in subparagraph six or seven of this paragraph: (i) [ninety days] SIX MONTHS, where the holder is convicted of an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction was had outside this state and (ii) [six months] ONE YEAR, where the holder is convicted of, or receives a youthful offender or other juvenile adjudication, which would have been a misdemeanor or felony if committed by an adult, in connection with, an offense consisting of operating a motor vehicle under the influence of or while impaired by the use of drugs where the conviction or youthful offender or other juvenile adjudication was had outside this state.

S 3. Subparagraph 8 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by section 2 of chapter 287 of the laws of 2000, is amended to read as follows:

(8) Out-of-state offenses. Except as provided in subparagraph six or seven of this paragraph, [ninety days] SIX MONTHS, where the holder is convicted of an offense consisting of operating a motor vehicle under the influence of intoxicating liquor or drugs where the conviction was had outside this state.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law; provided, however, that the amendments to subparagraph 8 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law made by section two of this act shall be subject to the expiration and reversion of such subparagraph pursuant to section 9 of chapter 533 of the laws of 1993, as amended, when upon such date the provisions of section three of this act shall take effect; and provided, further, however, that the provisions of this act shall apply to out-of-state convictions occurring on or after such effective date.