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

5833

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. McKEVITT, KOLB, ERRIGO, FINCH, GIGLIO, WALKER, ALFANO, BARRA -- Multi-Sponsored by -- M. of A. CALHOUN, CROUCH, HAWLEY, P. LOPEZ, McDONOUGH, MILLER, OAKS, THIELE, TOWNSEND -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the suspension and restoration of a driver's license following a second or subsequent DWI conviction

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

Section 1. Subparagraph 3 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by chapter 732 of the laws of 2006, is amended to read as follows:

(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 section eleven hundred ninety-two of this article. Eighteen months, 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.

S 2. Section 1196 of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

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

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8. RESTORATION OF LICENSE. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS CHAPTER, WHEN RESTORING A LICENSE WHICH HAS BEEN REVOKED FOLLOWING A SECOND OR SUBSEQUENT CONVICTION OF A VIOLATION OF SUBDIVISION TWO, THREE, FOUR OR FOUR-A OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE OR A FINDING OF REFUSAL TO SUBMIT TO A CHEMICAL TEST PURSUANT TO SECTION ELEVEN HUNDRED NINETY-FOUR OF THIS ARTICLE, WHICH WAS COMMITTED WITHIN TEN YEARS OF ANY SUCH PRIOR CONVICTION OR FINDING OF CHEMICAL TEST REFUSAL, THE COMMISSIONER MAY, IN LIEU OF ISSUING A DRIVER'S LICENSE PURSUANT TO ARTICLE NINETEEN OF THIS CHAPTER, ISSUE A CONDITIONAL DRIVER'S LICENSE AS DESCRIBED IN SUBDIVISION SEVEN OF THIS SECTION. IN ADDITION TO THE CONDITIONS SET FORTH IN SUCH SUBDIVISION, THE COMMISSIONER MAY ESTABLISH OTHER REASONABLE CONDITIONS TO THE CONTINUED HOLDING OF SUCH LICENSE, INCLUDING, BUT NOT LIMITED TO, THE HOLDER'S PERIODIC DEMONSTRATION THAT THE HOLDER IS CONTINUING TO PARTICIPATE SATISFACTORILY IN ALCOHOLISM OR SUBSTANCE ABUSE COUNSELING OR TREATMENT. THE PROVISIONS OF PARAGRAPH (E) OF SUBDIVISION SEVEN OF THIS SECTION SHALL BE APPLICABLE TO ANY SUCH LICENSE. THE COMMISSIONER SHALL DETERMINE THE PERIOD OF VALIDITY OF SUCH LICENSE, WHICH IN NO EVENT SHALL BE GREATER THAN ONE YEAR, AFTER WHICH TIME THE COMMISSIONER MAY ISSUE THE HOLDER A LICENSE PURSUANT TO ARTICLE NINETEEN OF THIS CHAPTER.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.