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

605

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to certain pleas of guilty to be recorded on a driver's record

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

Section 1. The opening paragraph of subdivision (h) of section 1180 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

Upon a conviction for a violation of subdivision (b), (c), (d), (f) or (g) of this section, the court shall record the speed upon which the conviction was based on the certificate required to be filed with the commissioner pursuant to section five hundred fourteen of this chapter, or if the conviction occurs in an administrative tribunal established pursuant to article two-A of this chapter, the speed upon which the conviction was based shall be entered in the department's records. WHEN THE CHARGE LAID BEFORE THE COURT, OR ADMINISTRATIVE TRIBUNAL ESTABLISHED PURSUANT TO ARTICLE TWO-A OF THIS CHAPTER, ALLEGES A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF THIS SECTION, AND WHEN ANY PLEA OF GUILTY IS ENTERED IN SATISFACTION OF SUCH CHARGE THE COURT OR TRIBUNAL SHALL RECORD THE FACT THAT SUCH CONVICTION AROSE FROM A PLEA OF GUILTY IN SATISFACTION OF SUCH CHARGE AND THE CHARGE WHICH WAS SATISFIED BY SUCH PLEA ON THE CERTIFICATE REQUIRED TO BE FILED WITH THE COMMISSIONER PURSUANT TO SECTION FIVE HUNDRED FOURTEEN OF THIS CHAPTER; PROVIDED, HOWEVER, THAT THE COURT OR TRIBUNAL, UPON A FINDING THAT THE FACTS OF THE CASE WOULD NOT WARRANT A CHARGE FOR SUCH OFFENSE, MAY DIRECT THAT SUCH CERTIFICATE ONLY REFLECT THE CHARGE TO WHICH SUCH PLEA WAS ENTERED AND SHALL SET FORTH UPON THE RECORD THE REASONS FOR SUCH FINDING.

S 2. Section 354 of the vehicle and traffic law, as amended by chapter 61 of the laws of 1989, is amended to read as follows:

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

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S 354. Commissioner to furnish operating record. The commissioner shall upon request furnish any insurance carrier or any person an abstract of the operating record of any person subject to the provisions of this article, which abstract shall include enumeration of any convictions of such person of a violation of any provision of any statute relating to the operation of a motor vehicle, INCLUDING, SUCH INFORMATION REQUIRED TO BE REPORTED TO THE COMMISSIONER PURSUANT TO SUBDIVISION (H) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER or any accidents in which a motor vehicle driven by such person has been involved during the current calendar year and the three calendar years preceding that in which the request for the operating record is received and if specifically requested shall also fully designate the motor vehicles, if any, registered in the name of such person and the name of the insurer insuring such motor vehicle, for the registration year in which the request for the operating record is received. A request for an abstract of an operating record shall be subject to the provisions of section two hundred two 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 and shall apply to all offenses committed on or after such effective date. Effective immediately the addition, amendment or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and to be made on or before such date.