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

8403

2009-2010 Regular Sessions

I N A S S E M B L Y

May 19, 2009

Introduced by M. of A. SCHIMMINGER -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law and the vehicle and traffic law, in relation to imposition of driver's license suspensions upon certain persons who fail to appear or to pay fines or participate in alcohol awareness programs or community service

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

Section 1. Subdivision 3 of section 65-c of the alcoholic beverage control law, as amended by chapter 137 of the laws of 2001, is amended to read as follows:

3. Any person who unlawfully possesses an alcoholic beverage with intent to consume may be summoned before and examined by a court having jurisdiction of that charge; provided, however, that nothing contained herein shall authorize, or be construed to authorize, a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law or a police officer as defined in subdivision thirty-four of section 1.20 of such law to arrest a person who unlawfully possesses an alcoholic beverage with intent to consume. If a determination is made sustaining such charge the court may impose a fine not exceeding fifty dollars and/or completion of an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law and/or an appropriate amount of community service not to exceed thirty hours. *IN ADDITION TO ANY FINE, ALCOHOL AWARENESS PROGRAM AND/OR COMMUNITY SERVICE IMPOSED BY THE COURT PURSUANT TO THIS SECTION, THE COURT MAY SUSPEND THE DRIVER'S LICENSE OF ANY PERSON WHO FAILS TO APPEAR BEFORE THE COURT, PAY A FINE, COMPLETE AN ALCOHOL AWARENESS PROGRAM OR COMPLETE COMMUNITY SERVICE PURSUANT TO THIS SECTION WITHIN THE PERIOD OF TIME ESTABLISHED BY SUCH COURT. SUCH SUSPENSION SHALL BE MADE UPON NOTICE TO SUCH PERSON AND SHALL REMAIN IN EFFECT UNTIL SUCH PERSON APPEARS IN COURT, SUCH FINE*

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

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HAS BEEN PAID OR SUCH PROGRAM OR COMMUNITY SERVICE HAS BEEN COMPLETED TO THE SATISFACTION OF THE COURT.

S 2. Paragraph k of subdivision 3 of section 510 of the vehicle and traffic law, as amended by chapter 124 of the laws of 1992, is amended to read as follows:

k. for a period of up to ninety days because of the conviction of the holder of the offenses of menacing as defined in section 120.15 of the penal law, where such offense was committed against a traffic enforcement agent employed by the city of New York or the city of Buffalo while such agent was enforcing or attempting to enforce the traffic regulations of such city[.];

S 3. Subdivision 3 of section 510 of the vehicle and traffic law is amended by adding a new paragraph l to read as follows:

L. FOR FAILING TO APPEAR BEFORE THE COURT OR PAY A FINE OR TO COMPLETE AN ALCOHOL AWARENESS PROGRAM OR COMPLETE COMMUNITY SERVICE IMPOSED BY THE COURT PURSUANT TO SUBDIVISION THREE OF SECTION SIXTY-FIVE-C OF THE ALCOHOLIC BEVERAGE CONTROL LAW.

S 4. Paragraph (a) of subdivision 4-a of section 510 of the vehicle and traffic law, as added by section 10 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

(a) Upon receipt of a court notification of the failure of a person to appear within sixty days of the return date or new subsequent adjourned date, pursuant to an appearance ticket charging said person with a violation of any of the provisions of this chapter (except one for parking, stopping, or standing), of any violation of the tax law or OF SUBDIVISION THREE OF SECTION SIXTY-FIVE-C OF THE ALCOHOLIC BEVERAGE CONTROL LAW OR of the transportation law regulating traffic or of any lawful ordinance or regulation made by a local or public authority, relating to traffic (except one for parking, stopping, or standing) or the failure to pay a fine imposed by a court the commissioner or his or her agent may suspend the driver's license or privileges of such person pending receipt of notice from the court that such person has appeared in response to such appearance ticket or has paid such fine. Such suspension shall take effect no less than thirty days from the day upon which notice thereof is sent by the commissioner to the person whose driver's license or privileges are to be suspended. Any suspension issued pursuant to this paragraph shall be subject to the provisions of paragraph (j-l) of subdivision two of section five hundred three of this chapter.

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.