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

971

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GANTT -- Multi-Sponsored by -- M. of A. GABRYSZAK, SWEENEY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing the commissioner of motor vehicles to suspend a persons driver's license subject to an outstanding warrant of arrest, bench warrant or superior court warrant of arrest

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

Section 1. The vehicle and traffic law is amended by adding a new section 510-d to read as follows:

S 510-D. SUSPENSION OF LICENSES SUBJECT TO AN OUTSTANDING WARRANT OF ARREST. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER OR THE COMMISSIONER'S AGENT SHALL HAVE THE POWER TO REVOKE THE LICENSE TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE OF ANY PERSON AGAINST WHOM A WARRANT OF ARREST, BENCH WARRANT OR SUPERIOR COURT WARRANT OF ARREST IS OUTSTANDING.

2. THE COMMISSIONER IS DIRECTED TO DEVELOP AND ESTABLISH A PROGRAM AND PROCEDURE WHICH WILL ALLOW THE IMMEDIATE DENIAL OF A LICENSE BECAUSE A PERSON HAS AN OUTSTANDING WARRANT OF ARREST, BENCH WARRANT OR SUPERIOR COURT WARRANT OF ARREST. SUCH A PROGRAM SHALL BE DESIGNED IN SUCH A MANNER THAT UPON FILING AN APPLICATION FOR A LICENSE, THE LICENSE WILL BE DENIED TO SUCH PERSON OR WHERE A LICENSE HAS BEEN GRANTED, THE RIGHT THERETO SHALL BE SUSPENDED UPON NOTICE THAT SUCH AN OUTSTANDING WARRANT IN FACT EXISTS. AS PART OF SUCH PROGRAM THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL EXPLORE THE FEASIBILITY OF PROVIDING GENERAL COMPUTER ACCESS TO ALL OUTSTANDING WARRANTS OF ARREST.

3. A PERSON SHALL RECEIVE NOTICE THAT THE LICENSE SHALL BE SUSPENDED IN NINETY DAYS DUE TO AN OUTSTANDING WARRANT UNLESS SUCH PERSON

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

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FURNISHES PROOF TO THE COMMISSIONER THAT SUCH WARRANT HAS BEEN RECALLED OR FAILS TO EXIST.

4. A LICENSE MAY BE RESTORED BY DIRECTION OF THE COMMISSIONER UPON SUCH PERSON FURNISHING SUFFICIENT PROOF THAT THE WARRANT HAS BEEN RECALLED.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.