

1308

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the navigation law and the vehicle and traffic law, in relation to the suspension of privileges to operate a vessel and driver's licenses for certain alcohol related offenses

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

- 1 Section 1. Subdivision 3 and paragraph (a) of subdivision 4 of section
2 49-a of the navigation law, as added by chapter 805 of the laws of 1992,
3 subparagraph 1 of paragraph (a) of subdivision 3 as amended by chapter
4 599 of the laws of 2008 and paragraph (a) of subdivision 4 as amended by
5 chapter 391 of the laws of 1998, are amended to read as follows:
6 3. Privilege to operate a vessel AND DRIVER'S LICENSE; suspensions.
7 (a) The court shall suspend a person's privilege to operate a vessel AND
8 DRIVER'S LICENSE and may suspend a vessel registration OR MOTOR VEHICLE
9 REGISTRATION for:
10 (1) a period of at least six but less than twelve months where an
11 operator is convicted of a violation of paragraph (a) of subdivision two
12 of this section. In determining the length of such suspension or suspen-
13 sions, the court may take into consideration the seriousness of the
14 offense and may impose a period of suspension whereby such suspension
15 may be in effect during a portion of the current or subsequent boating
16 season;
17 (2) a period of twelve months where an operator is convicted of a
18 violation of paragraph (b), (c), (d) or (e) of subdivision two of this
19 section;
20 (3) a period of twenty-four months where a person is convicted of a
21 violation of paragraph (b), (c), (d) or (e) of subdivision two of this
22 section after having been convicted of a violation of paragraph (b),
23 (c), (d) or (e) of subdivision two of this section or of operating a

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

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1 vessel or public vessel while intoxicated or under the influence of
2 drugs within the preceding ten years.

3 (b) The court shall report each conviction recorded pursuant to this
4 section to the commissioner of motor vehicles and the commissioner of
5 parks, recreation and historic preservation on forms provided by the
6 department of motor vehicles. Such reports shall include the length of
7 any suspension imposed on the privilege to operate a vessel AND DRIVER'S
8 LICENSE and any suspension imposed against a vessel registration OR
9 MOTOR VEHICLE. The department of motor vehicles shall maintain a record
10 of all convictions and suspensions in order to effectuate the provisions
11 of this section.

12 (a) Operation of vessel OR MOTOR VEHICLE while operating privileges
13 [have] OR DRIVER'S LICENSE HAS been suspended. No person shall operate a
14 vessel upon the waters of the state OR OPERATE A MOTOR VEHICLE while
15 operating privileges [have] OR DRIVER'S LICENSE HAS been suspended
16 pursuant to this section or section forty-nine-b of this [article] PART.
17 A violation of the provisions of this paragraph shall be a violation and
18 shall be punishable by a fine of not less than three hundred fifty
19 dollars nor more than seven hundred fifty dollars or by imprisonment for
20 a period of not more than ninety days, or by both such fine and impri-
21 sonment.

22 S 2. Subdivision 2 of section 1193 of the vehicle and traffic law is
23 amended by adding a new paragraph (b-1) to read as follows:

24 (B-1) IN ADDITION TO ANY DRIVER'S LICENSE SANCTION SET FORTH IN THIS
25 SUBDIVISION, THE COURT MAY, UPON CONVICTION OF A VIOLATION OF ANY
26 PROVISION OF SECTION ONE THOUSAND ONE HUNDRED NINETY-TWO OF THIS ARTI-
27 CLE, SUSPEND OR REVOKE THE PRIVILEGE TO OPERATE A VESSEL UPON THE WATERS
28 OF THIS STATE OF ANY PERSON SO CONVICTED, PROVIDED, HOWEVER, THAT NO
29 SUCH SUSPENSION OR REVOCATION SHALL EXCEED IN DURATION THE SUSPENSION OR
30 REVOCATION OF SUCH PERSON'S DRIVER'S LICENSE.

31 S 3. This act shall take effect on the first of November next succeed-
32 ing the date on which it shall have become a law.