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2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to requiring persons convicted of driving while intoxicated who are injured as a result of such offense and who are medically transported to a hospital to pay for such transport and other pre-hospital medical bills before their license to drive can be reissued to them

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

1 Section 1. Paragraph (c) of subdivision 2 of section 1193 of the vehi-
2 cle and traffic law is amended by adding a new subparagraph 4 to read as
3 follows:
4 (4) IN NO EVENT SHALL A NEW LICENSE BE ISSUED OR A FORMER LICENSE BE
5 RESTORED TO A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF SUBDIVI-
6 SION TWO OR THREE, OR BOTH SUBDIVISION TWO AND SUBDIVISION THREE, OF
7 SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE WHERE PHYSICAL INJURY
8 TO SUCH CONVICTED PERSON RESULTED FROM SUCH OFFENSE WHICH INJURY
9 RESULTED IN THE TRANSPORT OF SUCH PERSON BY AMBULANCE OR OTHER MEDICAL
10 TRANSPORT TO A HOSPITAL, UNLESS ALL BILLS FOR SUCH TRANSPORT AND ANY
11 OTHER PRE-HOSPITAL MEDICAL EXPENSES HAVE BEEN PAID PRIOR TO THE DATE
12 SUCH PERSON APPLIES FOR A NEW LICENSE OR FOR RESTORATION OF THE FORMER
13 LICENSE AND UNLESS PROOF OF THE PAYMENT OF SUCH BILLS IS SUBMITTED TO
14 THE DEPARTMENT WITH SUCH APPLICATION.
15 S 2. Paragraph (c) of subdivision 2 of section 1193 of the vehicle and
16 traffic law, as amended by section 8 of chapter 732 of the laws of 2006,
17 is amended to read as follows:
18 (c) Reissuance of licenses; restrictions. Where a license is revoked
19 pursuant to paragraph (b) of this subdivision, no new license shall be
20 issued after the expiration of the minimum period specified in such
21 paragraph, except in the discretion of the commissioner; provided,

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

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1 however, that in no event shall a new license be issued where a person
2 has been twice convicted of a violation of subdivision three, four or
3 four-a of section eleven hundred ninety-two of this article or of driv-
4 ing while intoxicated or of driving while ability is impaired by the use
5 of a drug or of driving while ability is impaired by the combined influ-
6 ence of drugs or of alcohol and any drug or drugs where physical injury,
7 as defined in section 10.00 of the penal law, has resulted from such
8 offense in each instance. IN NO EVENT SHALL A NEW LICENSE BE ISSUED OR A
9 FORMER LICENSE BE RESTORED TO A PERSON WHO HAS BEEN CONVICTED OF A
10 VIOLATION OF SUBDIVISION TWO OR THREE, OR BOTH SUBDIVISION TWO AND
11 SUBDIVISION THREE, OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE
12 WHERE PHYSICAL INJURY TO SUCH CONVICTED PERSON RESULTED FROM SUCH
13 OFFENSE WHICH INJURY RESULTED IN THE TRANSPORT OF SUCH PERSON BY AMBU-
14 LANCE OR OTHER MEDICAL TRANSPORT TO A HOSPITAL, UNLESS ALL BILLS FOR
15 SUCH TRANSPORT AND ANY OTHER PRE-HOSPITAL MEDICAL EXPENSES HAVE BEEN
16 PAID PRIOR TO THE DATE SUCH PERSON APPLIES FOR A NEW LICENSE OR FOR
17 RESTORATION OF THE FORMER LICENSE AND UNLESS PROOF OF THE PAYMENT OF
18 SUCH BILLS IS SUBMITTED TO THE DEPARTMENT WITH SUCH APPLICATION.

19 S 3. This act shall take effect September 1, 2010, provided that the
20 amendment to paragraph (c) of subdivision 2 of section 1193 of the vehi-
21 cle and traffic law made by section one of this act shall be subject to
22 the expiration and reversion of such paragraph pursuant to section 9 of
23 chapter 533 of the laws of 1993, as amended, when upon such date the
24 provisions of section two of this act shall take effect.