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

6178

2009-2010 Regular Sessions

I N S E N A T E

September 18, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to requiring reexamination of drivers in certain cases

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

Section 1. Section 506 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-A. IF THE COMMISSIONER RECEIVES NOTIFICATION FROM A COURT PURSUANT TO SECTION EIGHTEEN HUNDRED ELEVEN OF THIS CHAPTER, THE COMMISSIONER SHALL REQUIRE SUCH PERSON TO SUBMIT TO AN EXAMINATION TO DETERMINE HIS OR HER QUALIFICATIONS.

S 2. Paragraph b of subdivision 2 of section 510 of the vehicle and traffic law is amended by adding a new subparagraph (xvi) to read as follows:

(XVI) WHEN THE HOLDER HAS FAILED TO APPLY TO THE COMMISSIONER WITHIN THIRTY DAYS OF A COURT ORDER FOR A REEXAMINATION PURSUANT TO SECTION EIGHTEEN HUNDRED ELEVEN OF THIS CHAPTER, UNTIL THE HOLDER MAKES SUCH APPLICATION WITH THE COMMISSIONER.

S 3. The vehicle and traffic law is amended by adding a new section 1811 to read as follows:

S 1811. REEXAMINATION. 1. UPON SENTENCING A PERSON CONVICTED OF A VIOLATION OF ANY OF THE PROVISIONS OF TITLE SIX OR ARTICLES TWENTY-THREE, TWENTY-FOUR, TWENTY-FIVE, TWENTY-SIX, TWENTY-EIGHT, TWENTY-NINE, THIRTY, THIRTY-ONE, THIRTY-TWO, AND SECTION TWELVE HUNDRED TWELVE OF THIS CHAPTER OR OF ANY ORDINANCE, ORDER, RULE OR REGULATION ADOPTED PURSUANT TO SECTION SIXTEEN HUNDRED THIRTY OR SIXTEEN HUNDRED THIRTY-ONE OF THIS CHAPTER AND EITHER (A) SUCH PERSON WAS CONVICTED TWO OR MORE TIMES WITHIN THE PREVIOUS EIGHTEEN MONTHS OF ANY SUCH PROVISION, ORDINANCE, ORDER, RULE OR REGULATION OR ANY COMBINATION THEREOF NOT ARISING FROM THE SAME INCIDENT OR (B) THE COURT HAS REASONABLE GROUNDS

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

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TO BELIEVE THAT SUCH PERSON IS NOT QUALIFIED TO DRIVE A MOTOR VEHICLE, A COURT MAY, IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, ISSUE AN ORDER REQUIRING SUCH PERSON TO SUBMIT TO A REEXAMINATION BY THE COMMISSIONER PURSUANT TO SECTION FIVE HUNDRED SIX OF THIS CHAPTER.

2. THE COURT OR THE CLERK THEREOF SHALL NOTIFY THE COMMISSIONER, WITHIN TEN DAYS OF SENTENCING, OF AN ORDER FOR REEXAMINATION, IN A MANNER AND FORM PRESCRIBED BY THE COMMISSIONER. SUCH FORM SHALL CONTAIN A STATEMENT BY THE COURT OF THE FACTS AND CIRCUMSTANCES THAT CAUSED THE COURT TO BELIEVE THAT REEXAMINATION WAS NECESSARY.

3. ANY SUCH REEXAMINATION SHALL BE MADE AT THE EXPENSE OF THE PERSON REQUIRED TO BE EXAMINED.

4. NOTHING CONTAINED IN THIS SECTION SHALL BE DEEMED TO SUPERSEDE THE REQUIREMENTS OF ARTICLE THIRTY-ONE OR ANY OTHER PROVISION OF THIS CHAPTER THAT ARE OTHERWISE APPLICABLE TO THE SUSPENSION, REVOCATION OR RESTORATION OF A DRIVER'S LICENSE.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.