

6178

2009-2010 Regular Sessions

I N   S E N A T E

September 18, 2009

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 506 of the vehicle and traffic law is amended by  
2     adding a new subdivision 1-a to read as follows:  
3     1-A. IF THE COMMISSIONER RECEIVES NOTIFICATION FROM A COURT PURSUANT  
4     TO SECTION EIGHTEEN HUNDRED ELEVEN OF THIS CHAPTER, THE COMMISSIONER  
5     SHALL REQUIRE SUCH PERSON TO SUBMIT TO AN EXAMINATION TO DETERMINE HIS  
6     OR HER QUALIFICATIONS.  
7     S 2. Paragraph b of subdivision 2 of section 510 of the vehicle and  
8     traffic law is amended by adding a new subparagraph (xvi) to read as  
9     follows:  
10    (XVI) WHEN THE HOLDER HAS FAILED TO APPLY TO THE COMMISSIONER WITHIN  
11    THIRTY DAYS OF A COURT ORDER FOR A REEXAMINATION PURSUANT TO SECTION  
12    EIGHTEEN HUNDRED ELEVEN OF THIS CHAPTER, UNTIL THE HOLDER MAKES SUCH  
13    APPLICATION WITH THE COMMISSIONER.  
14    S 3. The vehicle and traffic law is amended by adding a new section  
15    1811 to read as follows:  
16    S 1811. REEXAMINATION. 1. UPON SENTENCING A PERSON CONVICTED OF A  
17    VIOLATION OF ANY OF THE PROVISIONS OF TITLE SIX OR ARTICLES  
18    TWENTY-THREE, TWENTY-FOUR, TWENTY-FIVE, TWENTY-SIX, TWENTY-EIGHT, TWEN-  
19    TY-NINE, THIRTY, THIRTY-ONE, THIRTY-TWO, AND SECTION TWELVE HUNDRED  
20    TWELVE OF THIS CHAPTER OR OF ANY ORDINANCE, ORDER, RULE OR REGULATION  
21    ADOPTED PURSUANT TO SECTION SIXTEEN HUNDRED THIRTY OR SIXTEEN HUNDRED  
22    THIRTY-ONE OF THIS CHAPTER AND EITHER (A) SUCH PERSON WAS CONVICTED TWO  
23    OR MORE TIMES WITHIN THE PREVIOUS EIGHTEEN MONTHS OF ANY SUCH PROVISION,  
24    ORDINANCE, ORDER, RULE OR REGULATION OR ANY COMBINATION THEREOF NOT  
25    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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1 TO BELIEVE THAT SUCH PERSON IS NOT QUALIFIED TO DRIVE A MOTOR VEHICLE, A  
2 COURT MAY, IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, ISSUE AN  
3 ORDER REQUIRING SUCH PERSON TO SUBMIT TO A REEXAMINATION BY THE COMMIS-  
4 SIONER PURSUANT TO SECTION FIVE HUNDRED SIX OF THIS CHAPTER.

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

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

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

16 S 4. This act shall take effect on the first of November next succeed-  
17 ing the date on which it shall have become a law.