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

4857

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ALESSI -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing the minimum period of license revocation for certain driving while intoxicated convictions

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

Section 1. Subparagraphs 2, 3, 4, clause (A) of subparagraph 4-a and clause (i) of subparagraph 5 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, subparagraphs 2 and 3 as amended by chapter 732 of the laws of 2006, subparagraph 4 as amended and clause (A) of subparagraph 4-a as added by chapter 26 of the laws of 1996, and clause (i) of subparagraph 5 as amended by section 3 of part J of chapter 59 of the laws of 2006, are amended to read as follows:

(2) Driving while intoxicated or while ability impaired by drugs or while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs; aggravated driving while intoxicated. [Six] NINE months, where the holder is convicted of a violation of subdivision two, three, four or four-a of section eleven hundred ninety-two of this article. [One year] EIGHTEEN MONTHS where the holder is convicted of a violation of subdivision two-a of section eleven hundred ninety-two of this article.

(3) Driving while intoxicated or while ability impaired by drugs or while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs; aggravated driving while intoxicated; prior offense. [One year] EIGHTEEN MONTHS, where the holder is convicted of a violation of subdivision two, three, four or four-a of section eleven hundred ninety-two of this article committed within ten years of a conviction for a violation of subdivision two, three, four or four-a of section eleven hundred ninety-two of this article. [Eighteen months] TWO YEARS, where the holder is convicted of a violation of subdivision two-a

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

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of section eleven hundred ninety-two of this article committed within ten years of a conviction for a violation of subdivision two, two-a, three, four or four-a of section eleven hundred ninety-two of this article; or where the holder is convicted of a violation of subdivision two, three, four or four-a of section eleven hundred ninety-two of this article committed within ten years of a conviction for a violation of subdivision two-a of section eleven hundred ninety-two of this article.

(4) Special vehicles other than school buses. [One year] EIGHTEEN MONTHS, where the holder is convicted of a violation of any subdivision of section eleven hundred ninety-two of this article and is sentenced pursuant to subparagraph one of paragraph (d) of subdivision one of this section.

(A) [One year] EIGHTEEN MONTHS, where the holder is convicted of a violation of any subdivision of section eleven hundred ninety-two of this article, such violation was committed while the holder was driving a school bus, and the holder is sentenced pursuant to subparagraph one, one-a or four-a of paragraph (d) of subdivision one of this section.

(i) Except as otherwise provided in this subparagraph, [one year] EIGHTEEN MONTHS where the holder of a commercial driver's license is convicted of a violation of any subdivision of section eleven hundred ninety-two of this article or if such holder is convicted of an offense consisting of operating a motor vehicle under the influence of alcohol or drugs where such conviction was had outside of this state.

S 2. Subparagraph 8 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by section 1 of chapter 287 of the laws of 2000, is amended to read as follows:

(8) Out-of-state offenses. Except as provided in subparagraph six or seven of this paragraph: (i) [ninety] ONE HUNDRED TWENTY days, where the holder is convicted of an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction was had outside this state and (ii) [six] NINE months, where the holder is convicted of, or receives a youthful offender or other juvenile adjudication, which would have been a misdemeanor or felony if committed by an adult, in connection with, an offense consisting of operating a motor vehicle under the influence of or while impaired by the use of drugs where the conviction or youthful offender or other juvenile adjudication was had outside this state.

S 3. Subparagraph 8 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by section 2 of chapter 287 of the laws of 2000, is amended to read as follows:

(8) Out-of-state offenses. Except as provided in subparagraph six or seven of this paragraph, [ninety] ONE HUNDRED TWENTY days, where the holder is convicted of an offense consisting of operating a motor vehicle under the influence of intoxicating liquor or drugs where the conviction was had outside this state.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law; provided, however, that:

(a) the amendments to subparagraph 8 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law made by section two of this act shall be subject to the expiration and reversion of such subparagraph pursuant to section 9 of chapter 533 of the laws of 1993, as amended, when upon such date the provisions of section three of this act shall take effect; and

(b) the provisions of this act shall apply to out-of-state convictions occurring on or after such effective date.