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

5345

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. KOON -- Multi-Sponsored by -- M. of A. COOK, GALEF, HOOPER, LAVINE, MAYERSOHN -- read once and referred 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:

Section 1. Paragraph (c) of subdivision 2 of section 1193 of the vehicle and traffic law is amended by adding a new subparagraph 4 to read as follows:

(4) IN NO EVENT SHALL A NEW LICENSE BE ISSUED OR A FORMER LICENSE BE RESTORED TO A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF SUBDIVISION TWO OR THREE, OR BOTH SUBDIVISION TWO AND SUBDIVISION THREE, OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE WHERE PHYSICAL INJURY TO SUCH CONVICTED PERSON RESULTED FROM SUCH OFFENSE WHICH INJURY RESULTED IN THE TRANSPORT OF SUCH PERSON BY AMBULANCE OR OTHER MEDICAL TRANSPORT TO A HOSPITAL, UNLESS ALL BILLS FOR SUCH TRANSPORT AND ANY OTHER PRE-HOSPITAL MEDICAL EXPENSES HAVE BEEN PAID PRIOR TO THE DATE SUCH PERSON APPLIES FOR A NEW LICENSE OR FOR RESTORATION OF THE FORMER LICENSE AND UNLESS PROOF OF THE PAYMENT OF SUCH BILLS IS SUBMITTED TO THE DEPARTMENT WITH SUCH APPLICATION.

S 2. Paragraph (c) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by section 8 of chapter 732 of the laws of 2006, is amended to read as follows:

(c) Reissuance of licenses; restrictions. Where a license is revoked pursuant to paragraph (b) of this subdivision, no new license shall be issued after the expiration of the minimum period specified in such 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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however, that in no event shall a new license be issued where a person has been twice convicted of a violation of subdivision three, four or four-a of section eleven hundred ninety-two of this article or of driving while intoxicated or of driving while ability is impaired by the use of a drug or of driving while ability is impaired by the combined influence of drugs or of alcohol and any drug or drugs where physical injury, as defined in section 10.00 of the penal law, has resulted from such offense in each instance. IN NO EVENT SHALL A NEW LICENSE BE ISSUED OR A FORMER LICENSE BE RESTORED TO A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF SUBDIVISION TWO OR THREE, OR BOTH SUBDIVISION TWO AND SUBDIVISION THREE, OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE WHERE PHYSICAL INJURY TO SUCH CONVICTED PERSON RESULTED FROM SUCH OFFENSE WHICH INJURY RESULTED IN THE TRANSPORT OF SUCH PERSON BY AMBULANCE OR OTHER MEDICAL TRANSPORT TO A HOSPITAL, UNLESS ALL BILLS FOR SUCH TRANSPORT AND ANY OTHER PRE-HOSPITAL MEDICAL EXPENSES HAVE BEEN PAID PRIOR TO THE DATE SUCH PERSON APPLIES FOR A NEW LICENSE OR FOR RESTORATION OF THE FORMER LICENSE AND UNLESS PROOF OF THE PAYMENT OF SUCH BILLS IS SUBMITTED TO THE DEPARTMENT WITH SUCH APPLICATION.

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