

5833

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. McKEVITT, KOLB, ERRIGO, FINCH, GIGLIO, WALKER, ALFANO, BARRA -- Multi-Sponsored by -- M. of A. CALHOUN, CROUCH, HAWLEY, P. LOPEZ, McDONOUGH, MILLER, OAKS, THIELE, TOWNSEND -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the suspension and restoration of a driver's license following a second or subsequent DWI conviction

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

1 Section 1. Subparagraph 3 of paragraph (b) of subdivision 2 of section
2 1193 of the vehicle and traffic law, as amended by chapter 732 of the
3 laws of 2006, is amended to read as follows:
4 (3) Driving while intoxicated or while ability impaired by drugs or
5 while ability impaired by the combined influence of drugs or of alcohol
6 and any drug or drugs; aggravated driving while intoxicated; prior
7 offense. [One year] TWO YEARS, where the holder is convicted of a
8 violation of subdivision two, three, four or four-a of section eleven
9 hundred ninety-two of this article committed within ten years of a
10 conviction for a violation of subdivision two, three, four or four-a of
11 section eleven hundred ninety-two of this article. Eighteen months,
12 where the holder is convicted of a violation of subdivision two-a of
13 section eleven hundred ninety-two of this article committed within ten
14 years of a conviction for a violation of subdivision two, two-a, three,
15 four or four-a of section eleven hundred ninety-two of this article; or
16 where the holder is convicted of a violation of subdivision two, three,
17 four or four-a of section eleven hundred ninety-two of this article
18 committed within ten years of a conviction for a violation of subdivi-
19 sion two-a of section eleven hundred ninety-two of this article.
20 S 2. Section 1196 of the vehicle and traffic law is amended by adding
21 a new subdivision 8 to read as follows:

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

LBD09184-01-9

1 8. RESTORATION OF LICENSE. NOTWITHSTANDING ANY INCONSISTENT PROVISION
2 OF THIS CHAPTER, WHEN RESTORING A LICENSE WHICH HAS BEEN REVOKED FOLLOW-
3 ING A SECOND OR SUBSEQUENT CONVICTION OF A VIOLATION OF SUBDIVISION TWO,
4 THREE, FOUR OR FOUR-A OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTI-
5 CLE OR A FINDING OF REFUSAL TO SUBMIT TO A CHEMICAL TEST PURSUANT TO
6 SECTION ELEVEN HUNDRED NINETY-FOUR OF THIS ARTICLE, WHICH WAS COMMITTED
7 WITHIN TEN YEARS OF ANY SUCH PRIOR CONVICTION OR FINDING OF CHEMICAL
8 TEST REFUSAL, THE COMMISSIONER MAY, IN LIEU OF ISSUING A DRIVER'S
9 LICENSE PURSUANT TO ARTICLE NINETEEN OF THIS CHAPTER, ISSUE A CONDI-
10 TIONAL DRIVER'S LICENSE AS DESCRIBED IN SUBDIVISION SEVEN OF THIS
11 SECTION. IN ADDITION TO THE CONDITIONS SET FORTH IN SUCH SUBDIVISION,
12 THE COMMISSIONER MAY ESTABLISH OTHER REASONABLE CONDITIONS TO THE
13 CONTINUED HOLDING OF SUCH LICENSE, INCLUDING, BUT NOT LIMITED TO, THE
14 HOLDER'S PERIODIC DEMONSTRATION THAT THE HOLDER IS CONTINUING TO PARTIC-
15 IPATE SATISFACTORILY IN ALCOHOLISM OR SUBSTANCE ABUSE COUNSELING OR
16 TREATMENT. THE PROVISIONS OF PARAGRAPH (E) OF SUBDIVISION SEVEN OF THIS
17 SECTION SHALL BE APPLICABLE TO ANY SUCH LICENSE. THE COMMISSIONER SHALL
18 DETERMINE THE PERIOD OF VALIDITY OF SUCH LICENSE, WHICH IN NO EVENT
19 SHALL BE GREATER THAN ONE YEAR, AFTER WHICH TIME THE COMMISSIONER MAY
20 ISSUE THE HOLDER A LICENSE PURSUANT TO ARTICLE NINETEEN OF THIS CHAPTER.
21 S 3. This act shall take effect on the first of November next succeed-
22 ing the date on which it shall have become a law.