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

8566

2009-2010 Regular Sessions

I N A S S E M B L Y

May 28, 2009

Introduced by M. of A. GANTT -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to automatic suspension of a license and hardship privileges

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

Section 1. Clause e of subparagraph 7 of paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by chapter 251 of the laws of 2007, is amended to read as follows:

e. If the court finds that the suspension imposed pursuant to this subparagraph will result in extreme hardship, the court must issue such suspension, but may grant a hardship privilege, which shall be issued on a form prescribed by the commissioner. For the purposes of this clause, "extreme hardship" shall mean the inability to obtain alternative means of travel to or from the licensee's employment, OR NECESSARY OPERATION OF A VEHICLE DURING THE COURSE OF THE LICENSEE'S EMPLOYMENT, or to or from necessary medical treatment for the licensee or a member of the licensee's household, or if the licensee is a matriculating student enrolled in an accredited school, college or university travel to or from such licensee's school, college or university if such travel is necessary for the completion of the educational degree or certificate. The burden of proving extreme hardship shall be on the licensee who may present material and relevant evidence. A finding of extreme hardship may not be based solely upon the testimony of the licensee. In no event shall arraignment be adjourned or otherwise delayed more than three business days solely for the purpose of allowing the licensee to present evidence of extreme hardship. The court shall set forth upon the record, or otherwise set forth in writing, the factual basis for such finding. The hardship privilege shall permit the operation of a vehicle only for travel to or from the licensee's employment, OR NECESSARY OPERATION OF A

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

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VEHICLE DURING THE COURSE OF THE LICENSEE'S EMPLOYMENT FOR A PERIOD OF NO MORE THAN THIRTY DAYS, or to or from necessary medical treatment for the licensee or a member of the licensee's household, or if the licensee is a matriculating student enrolled in an accredited school, college or university travel to or from such licensee's school, college or university if such travel is necessary for the completion of the educational degree or certificate. A hardship privilege shall not be valid for the operation of a commercial motor vehicle.

S 2. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that the amendments to clause e of subparagraph 7 of paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic law made by section one of this act shall not affect the repeal of such subparagraph and shall be deemed repealed therewith.