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

943

2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the alcoholic beverage control law, in relation to increasing the length of suspension of a driver's license for a person who illegally purchases or attempts to illegally purchase an alcoholic beverage

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

Section 1. Subdivision 6 of section 65-b of the alcoholic beverage control law, as amended by chapter 519 of the laws of 1999, the opening paragraph as amended by chapter 503 of the laws of 2000, is amended to read as follows:

6. In addition to the penalties otherwise provided in subdivision three of this section, if a determination is made sustaining a charge of illegally purchasing or attempting to illegally purchase an alcoholic beverage, the court may suspend such person's license to drive a motor vehicle and the privilege of an unlicensed person of obtaining such license, in accordance with the following and for the following periods, if it is found that a driver's license was used for the purpose of such illegal purchase or attempt to illegally purchase; provided, however, that where a person is sentenced pursuant to paragraph (b) or (c) of subdivision three of this section, the court shall impose such license suspension if it is found that a driver's license was used for the purpose of such illegal purchase or attempt to illegally purchase:

(a) For a first violation of paragraph (a) of subdivision two of this section, a [three] SIX month suspension.

(b) For a second [violation of paragraph (a) of subdivision two of this section, a six month suspension.

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

LBD04855-01-9

(c) For a third] or subsequent violation of paragraph (a) of subdivision two of this section, a suspension for one year or until the holder reaches the age of twenty-one, whichever is the greater period of time.

Such person may thereafter apply for and be issued a restricted use license in accordance with the provisions of section five hundred thirty of the vehicle and traffic law.

S 2. Subdivision 5 of section 65-b of the alcoholic beverage control law, as amended by chapter 383 of the laws of 1998, the opening paragraph as amended by chapter 503 of the laws of 2000, is amended to read as follows:

5. In addition to the penalties otherwise provided in subdivision two of this section, if a determination is made sustaining a charge of illegally purchasing or attempting to illegally purchase an alcoholic beverage, the court may suspend such person's license to drive a motor vehicle and the privilege of an unlicensed person of obtaining such license, in accordance with the following and for the following periods, if it is found that a driver's license was used for the purpose of such illegal purchase or attempt to illegally purchase; provided, however, that where a person is sentenced pursuant to paragraph (b) or (c) of subdivision two of this section, the court shall impose such license suspension if it is found that a driver's license was used for the purpose of such illegal purchase or attempt to illegally purchase:

(a) For a first violation of paragraph (a) of subdivision one of this section, a [three] SIX month suspension.

(b) For a second [violation of paragraph (a) of subdivision one of this section, a six month suspension.

(c) For a third] or subsequent violation of paragraph (a) of subdivision one of this section, a suspension for one year or until the holder reaches the age of twenty-one, whichever is the greater period of time.

Such person may thereafter apply for and be issued a restricted use license in accordance with the provisions of section five hundred thirty of the vehicle and traffic law.

S 3. This act shall take effect on the ninetieth day after it shall have become a law, provided that the amendments to subdivision 6 of section 65-b of the alcoholic beverage control law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 4 of chapter 519 of the laws of 1999, as amended, when upon such date the provisions of section two of this act shall take effect.