

10371

I N A S S E M B L Y

May 24, 2012

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

AN ACT to amend the vehicle and traffic law, in relation to the revocation and the reissuance of licenses; and to repeal subparagraph 12 of paragraph (b) of subdivision 2 of section 1193 of such law, relating to permanent revocation

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

1 Section 1. Subparagraph 12 of paragraph (b) of subdivision 2 of
2 section 1193 of the vehicle and traffic law is REPEALED.
3 S 2. Paragraph (c) of subdivision 2 of section 1193 of the vehicle and
4 traffic law, as amended by chapter 312 of the laws of 1994, subparagraph
5 3 as amended by chapter 732 of the laws of 2006, is amended to read as
6 follows:
7 (c) Reissuance of licenses; restrictions. (1) Except as otherwise
8 provided in this paragraph, where a license is revoked pursuant to paragraph (b) of this subdivision, no new license shall be issued after the
9 expiration of the minimum period specified in such paragraph, except in
10 the discretion of the commissioner.
11 (2) Where a license is revoked pursuant to subparagraph two, three or
12 eight of paragraph (b) of this subdivision for a violation of subdivision four of section eleven hundred ninety-two of this article, and
13 where the individual does not have a driver's license or the individual's license was suspended at the time of conviction or youthful offender or other juvenile adjudication, the commissioner shall not issue a
14 new license nor restore the former license for a period of six months
15 after such individual would otherwise have become eligible to obtain a
16 new license or to have the former license restored; provided, however,
17 that during such delay period the commissioner may issue a restricted
18 use license pursuant to section five hundred thirty of this chapter.
19 (3) In no event shall a new license be issued where a person has been
20 [twice] convicted THREE TIMES of a violation of [subdivision three, four
21 or four-a of] section eleven hundred ninety-two of this article or of
22 [driving while intoxicated or of driving while ability is impaired by
23]

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

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1 the use of a drug or of driving while ability is impaired by the
2 combined influence of drugs or of alcohol and any drug or drugs] ANY
3 VIOLATION OF THE PENAL LAW FOR WHICH A VIOLATION OF SECTION ELEVEN
4 HUNDRED NINETY-TWO OF THIS ARTICLE IS AN ESSENTIAL ELEMENT OR HAS THREE
5 TIMES BEEN FOUND TO HAVE REFUSED TO SUBMIT TO A CHEMICAL TEST PURSUANT
6 TO SECTION ELEVEN HUNDRED NINETY-FOUR OF THIS ARTICLE, OR HAS ANY COMBI-
7 NATION OF THREE SUCH CONVICTIONS AND FINDINGS OF REFUSAL NOT ARISING OUT
8 OF THE SAME INCIDENT, OR HAS BEEN CONVICTED TWICE where physical injury,
9 as defined in section 10.00 of the penal law, has resulted from such
10 offense in each instance.

11 S 3. Subparagraph (iii) of paragraph (a) of subdivision 3 of section
12 511 of the vehicle and traffic law, as amended by chapter 746 of the
13 laws of 2006, is amended to read as follows:

14 (iii) commits the offense of aggravated unlicensed operation of a
15 motor vehicle in the third degree as defined in subdivision one of this
16 section; and is operating a motor vehicle while under permanent revoca-
17 tion as set forth in subparagraph [twelve] THREE of paragraph [(b)] (C)
18 of subdivision two of section eleven hundred ninety-three of this chap-
19 ter.

20 S 4. This act shall take effect on the ninetieth day after it shall
21 have become a law.