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

5289

2011-2012 Regular Sessions

I N  A S S E M B L Y

February 15, 2011

Introduced by M. of A. OAKS, BARCLAY, CROUCH, HAWLEY, JORDAN, KOLB, MONTESANO -- Multi-Sponsored by -- M. of A. BURLING, FINCH, McDONOUGH -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to suspension of licenses for failure to answer summons and complaints of navigation laws

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

Section 1. Paragraph (a) of subdivision 3 of section 226 of the vehicle and traffic law, as amended by section 6 of part J of chapter 62 of the laws of 2003, is amended to read as follows:

(a) If the person charged with the violation shall fail to answer the summons as provided herein OR IF THE PERSON DISPOSES OF ANY UNIFORM NAVIGATION SUMMONS AND/OR COMPLAINT IN ANY MANNER OTHER THAN AS PRESCRIBED BY LAW, the commissioner may suspend such person's license or driving privilege or, if the charge involves a violation of section three hundred eighty-five, section four hundred one or section five hundred eleven-a of this chapter by a registrant who was not the operator of the vehicle, the registration of such vehicle or the privilege of operation of any motor vehicle owned by such registrant may be suspended, until such person shall answer as provided in subdivision two of this section. If a person shall fail to appear at a hearing OR IF THE PERSON DISPOSES OF ANY UNIFORM NAVIGATION SUMMONS AND/OR COMPLAINT IN ANY MANNER OTHER THAN AS PRESCRIBED BY LAW, when such is provided for pursuant to this section OR BY SECTION NINETEEN OF THE NAVIGATION LAW, such person's license, or registration or privilege of operating or of operation, as appropriate, may be suspended pending appearance at a subsequent hearing, or the disposition of the charges involved. Any suspension permitted by this subdivision, if already in effect, may be terminated or if not yet in effect, may be withdrawn or withheld, prior to the disposition of the charges involved if such person shall appear

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

LBD04295-01-1

and post security in the amount of forty dollars to guarantee his or her appearance at any required hearing. The security posted pursuant to this subdivision shall be returned upon appearance at the scheduled hearing or an adjourned hearing which results in a final disposition of the charge, and otherwise shall be forfeited. If a suspension has been imposed pursuant to this subdivision and the case is subsequently transferred pursuant to subdivision two of section two hundred twenty-five of this article, such suspension shall remain in effect until the person answers the charges in the court to which the case was transferred. Any suspension issued pursuant to this paragraph shall be subject to the provisions of paragraph (j-1) of subdivision two of section five hundred three of this chapter.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.