

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

4272--A

Cal. No. 604

2011-2012 Regular Sessions

I N S E N A T E

March 25, 2011

Introduced by Sens. MARCELLINO, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to restrictions on commercial driver's licenses

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

1 Section 1. Subdivision 1 of section 509-c of the vehicle and traffic
2 law is amended by adding a new paragraph (h) to read as follows:
3 (H) PERMANENTLY, IF THAT PERSON WAS CONVICTED OF A VIOLATION THAT
4 REQUIRES REGISTRATION UNDER ARTICLE SIX-C OF THE CORRECTION LAW.
5 S 2. Subdivision 2 of section 509-c of the vehicle and traffic law is
6 amended by adding a new paragraph (h) to read as follows:
7 (H) PERMANENTLY, IF THAT PERSON WAS CONVICTED OF A VIOLATION THAT
8 REQUIRES REGISTRATION UNDER ARTICLE SIX-C OF THE CORRECTION LAW.
9 S 3. Paragraph (a) of subdivision 1 of section 509-cc of the vehicle
10 and traffic law is amended by adding a new subparagraph (iv) to read as
11 follows:
12 (IV) HAS BEEN CONVICTED OF A VIOLATION THAT REQUIRES REGISTRATION
13 UNDER ARTICLE SIX-C OF THE CORRECTION LAW; OR
14 S 4. Subdivision 2 of section 509-cc of the vehicle and traffic law is
15 amended by adding a new paragraph (b-1) to read as follows:
16 (B-1) PERMANENTLY, IF THAT PERSON WAS CONVICTED OF A VIOLATION THAT
17 REQUIRES REGISTRATION UNDER ARTICLE SIX-C OF THE CORRECTION LAW.
18 S 5. Subdivision 1 of section 510-a of the vehicle and traffic law, as
19 amended by section 13 of part E of chapter 60 of the laws of 2005, is
20 amended to read as follows:
21 1. Revocation. A commercial driver's license shall be revoked by the
22 commissioner whenever the holder is convicted within or outside of this

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

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1 state (a) of a felony involving the use of a motor vehicle except a
2 felony as described in paragraph (b) of this subdivision; (b) of a felo-
3 ny involving manufacturing, distributing or dispensing a drug as defined
4 in section one hundred fourteen-a of this chapter or possession of any
5 such drug with intent to manufacture, distribute or dispense such drug
6 in which a motor vehicle was used; (c) of a violation of subdivision one
7 or two of section six hundred of this chapter; (d) of operating a
8 commercial motor vehicle when, as a result of prior violations committed
9 while operating a commercial motor vehicle, the driver's commercial
10 driver's license is revoked, suspended, or canceled, or the driver is
11 disqualified from operating a commercial motor vehicle; (e) or has been
12 convicted of causing a fatality through the negligent operation of a
13 commercial motor vehicle, including but not limited to the crimes of
14 vehicular manslaughter or criminally negligent homicide; (F) OF ANY
15 VIOLATION THAT REQUIRES REGISTRATION UNDER ARTICLE SIX-C OF THE
16 CORRECTION LAW AND WHERE SUCH COMMERCIAL DRIVER'S LICENSE IS FOR THE
17 PURPOSE OF DRIVING ANY BUS, AS SUCH TERM IS DEFINED IN SECTION ONE
18 HUNDRED FOUR OF THIS CHAPTER OR ANY SCHOOL BUS AS DEFINED IN SECTION ONE
19 HUNDRED FORTY-TWO OF THIS CHAPTER.

20 S 6. Subdivision 1 of section 510-a of the vehicle and traffic law, as
21 amended by section 4 of part CC of chapter 58 of the laws of 2011, is
22 amended to read as follows:

23 1. Revocation. A commercial driver's license shall be revoked by the
24 commissioner whenever the holder is convicted within or outside of this
25 state (a) of a felony involving the use of a motor vehicle except a
26 felony as described in paragraph (b) of this subdivision; (b) of a felo-
27 ny involving manufacturing, distributing or dispensing a drug as defined
28 in section one hundred fourteen-a of this chapter or possession of any
29 such drug with intent to manufacture, distribute or dispense such drug
30 in which a motor vehicle was used; (c) of a violation of subdivision one
31 or two of section six hundred of this chapter; (d) of operating a
32 commercial motor vehicle when, as a result of prior violations committed
33 while operating a commercial motor vehicle, the driver's commercial
34 driver's license is revoked, suspended, or canceled, or the driver is
35 disqualified from operating a commercial motor vehicle; (e) has been
36 convicted of causing a fatality through the negligent operation of a
37 commercial motor vehicle, including but not limited to the crimes of
38 vehicular manslaughter or criminally negligent homicide; [or] (f) the
39 commissioner determines that the holder has made a false statement
40 regarding information: (i) required by the federal motor carrier safety
41 improvement act of 1999 and Subpart J of Part 383 of title 49 of the
42 code of federal regulations relating to a commercial driver's license
43 document in an application for a commercial driver's license; (ii)
44 required by the federal motor carrier safety improvement act of 1999 and
45 Part 383.71 (a) and (g) of title 49 of the code of federal regulations
46 relating to an initial commercial driver's license or existing commer-
47 cial driver's license holder's self-certification in any of the self-
48 certifications regarding the type of driving engaged or to be engaged in
49 by the holder or regarding the non-applicability to the holder of the
50 physical qualification requirements of the federal motor carrier safety
51 improvement act of 1999 and Part 391 of title 49 of the code of federal
52 regulations relating to qualifications of drivers; or (iii) required by
53 the federal motor carrier safety improvement act of 1999 and Part
54 383.71(h) of title 49 of the code of federal regulations relating to
55 commercial driver's license requirements in any medical certificate; OR
56 (G) OF ANY VIOLATION THAT REQUIRES REGISTRATION UNDER ARTICLE SIX-C OF

1 THE CORRECTION LAW AND WHERE SUCH COMMERCIAL DRIVER'S LICENSE IS FOR THE
2 PURPOSE OF DRIVING ANY BUS, AS SUCH TERM IS DEFINED IN SECTION ONE
3 HUNDRED FOUR OF THIS CHAPTER OR ANY SCHOOL BUS AS DEFINED IN SECTION ONE
4 HUNDRED FORTY-TWO OF THIS CHAPTER.
5 S 7. This act shall take effect on the one hundred twentieth day after
6 it shall have become a law; provided, however, that section six of this
7 act shall take effect on the same date and in the same manner as section
8 5 of part CC of chapter 58 of the laws of 2011, takes effect; provided,
9 further, that effective immediately, the addition, amendment and/or
10 repeal of any rule or regulation necessary for the implementation of
11 this act on its effective date is authorized to be made on or before
12 such effective date.