

4272--B

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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 -- recommended to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- 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.

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

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1 S 5. Subdivision 1 of section 510-a of the vehicle and traffic law,
2 as amended by section 4 of part CC of chapter 58 of the laws of 2011, is
3 amended to read as follows:

4 1. Revocation. A commercial driver's license shall be revoked by the
5 commissioner whenever the holder is convicted within or outside of this
6 state (a) of a felony involving the use of a motor vehicle except a
7 felony as described in paragraph (b) of this subdivision; (b) of a felo-
8 ny involving manufacturing, distributing or dispensing a drug as defined
9 in section one hundred fourteen-a of this chapter or possession of any
10 such drug with intent to manufacture, distribute or dispense such drug
11 in which a motor vehicle was used; (c) of a violation of subdivision one
12 or two of section six hundred of this chapter; (d) of operating a
13 commercial motor vehicle when, as a result of prior violations committed
14 while operating a commercial motor vehicle, the driver's commercial
15 driver's license is revoked, suspended, or canceled, or the driver is
16 disqualified from operating a commercial motor vehicle; (e) has been
17 convicted of causing a fatality through the negligent operation of a
18 commercial motor vehicle, including but not limited to the crimes of
19 vehicular manslaughter or criminally negligent homicide; [or] (f) the
20 commissioner determines that the holder has made a false statement
21 regarding information: (i) required by the federal motor carrier safety
22 improvement act of 1999 and Subpart J of Part 383 of title 49 of the
23 code of federal regulations relating to a commercial driver's license
24 document in an application for a commercial driver's license; (ii)
25 required by the federal motor carrier safety improvement act of 1999 and
26 Part 383.71 (a) and (g) of title 49 of the code of federal regulations
27 relating to an initial commercial driver's license or existing commer-
28 cial driver's license holder's self-certification in any of the self-
29 certifications regarding the type of driving engaged or to be engaged in
30 by the holder or regarding the non-applicability to the holder of the
31 physical qualification requirements of the federal motor carrier safety
32 improvement act of 1999 and Part 391 of title 49 of the code of federal
33 regulations relating to qualifications of drivers; or (iii) required by
34 the federal motor carrier safety improvement act of 1999 and Part
35 383.71(h) of title 49 of the code of federal regulations relating to
36 commercial driver's license requirements in any medical certificate; OR
37 (G) OF ANY VIOLATION THAT REQUIRES REGISTRATION UNDER ARTICLE SIX-C OF
38 THE CORRECTION LAW AND WHERE SUCH COMMERCIAL DRIVER'S LICENSE IS FOR THE
39 PURPOSE OF DRIVING ANY BUS, AS SUCH TERM IS DEFINED IN SECTION ONE
40 HUNDRED FOUR OF THIS CHAPTER OR ANY SCHOOL BUS AS DEFINED IN SECTION ONE
41 HUNDRED FORTY-TWO OF THIS CHAPTER.

42 S 6. This act shall take effect on the one hundred twentieth day after
43 it shall have become a law; provided, however, that section five of this
44 act shall take effect on the same date and in the same manner as section
45 5 of part CC of chapter 58 of the laws of 2011, takes effect. Effective
46 immediately, the addition, amendment and/or repeal of any rule or regu-
47 lation necessary for the implementation of this act on its effective
48 date is authorized to be made on or before such effective date.