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

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2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

Introduced by M. of A. GABRYSZAK, N. RIVERA, GIBSON, HOOPER, CASTRO, LUPARDO -- Multi-Sponsored by -- M. of A. ABBATE, BARCLAY, BOYLAND, COOK, FINCH, GALEF, HEASTIE, HIKIND, MONTESANO, RAIA, REILLY, TOBACCO, TOWNS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring the suspension of a driver's license for an accident caused by the failure to yield the right of way and death results

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

Section 1. The vehicle and traffic law is amended by adding a new section 603-c to read as follows:

S 603-C. ACCIDENTS; SUSPENSION FOR FAILURE TO YIELD RIGHT OF WAY. 1. IN ADDITION TO THE REQUIREMENTS OF SECTIONS SIX HUNDRED THREE, SIX HUNDRED THREE-A AND SIX HUNDRED THREE-B OF THIS ARTICLE, THE COMMISSIONER SHALL CAUSE TO BE SUSPENDED THE DRIVER'S LICENSE OF ANY OPERATOR OF A MOTOR VEHICLE WHO IS CHARGED WITH A FAILURE TO YIELD THE RIGHT OF WAY TO ANOTHER OPERATOR IN VIOLATION OF ANY PROVISION OF ARTICLE TWENTY-SIX OF THIS CHAPTER AND SUCH FAILURE TO YIELD THE RIGHT OF WAY IS THE CAUSE OF AN ACCIDENT RESULTING IN THE DEATH OF ONE OR MORE PERSONS.

2. ANY SUSPENSION REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL REMAIN IN EFFECT UNTIL CERTIFICATION BY THE COMMISSIONER OF THE COMPLETION OF THE INVESTIGATIONS AND REPORTS REQUIRED BY SECTIONS SIX HUNDRED THREE, SIX HUNDRED THREE-A AND SIX HUNDRED THREE-B OF THIS ARTICLE, BUT FOR NO LONGER THAN SIXTY DAYS. THE COMMISSIONER SHALL CERTIFY THE COMPLETION OF SUCH INVESTIGATIONS AND REPORTS IN A MANNER AND FORM TO BE DETERMINED BY THE COMMISSIONER. ANY OPERATOR OF A MOTOR VEHICLE WHOSE LICENSE IS SUSPENDED PURSUANT TO THIS ARTICLE MAY APPLY TO THE COMMISSIONER FOR A RESTRICTED LICENSE WHEREBY SUCH OPERATOR MAY OPERATE A MOTOR VEHICLE ONLY FOR TRANSPORTATION TO HIS OR HER PLACE OF EMPLOYMENT OR THE PLACE OF EMPLOYMENT OF HIS OR HER SPOUSE, TO ATTEND CLASSES AT SCHOOL OR INSTITUTION OF HIGHER EDUCATION OR TO TRANSPORT HIS OR HER

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

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SPOUSE TO ATTEND SUCH CLASSES, OR TO THE OFFICE OF THE PHYSICIAN OR OTHER HEALTH CARE PROVIDER OF SUCH OPERATOR OR THE SPOUSE OF SUCH OPERATOR.

3. THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE RULES AND REGULATIONS FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.