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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and
when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring
reexamination of drivers in certain cases

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

1 Section 1. Section 506 of the vehicle and traffic law is amended by
2 adding a new subdivision 1-a to read as follows:
3 1-A. IF THE COMMISSIONER RECEIVES NOTIFICATION FROM A COURT PURSUANT
4 TO SECTION EIGHTEEN HUNDRED ELEVEN OF THIS CHAPTER, THE COMMISSIONER
5 SHALL REQUIRE SUCH PERSON TO SUBMIT TO AN EXAMINATION TO DETERMINE HIS
6 OR HER QUALIFICATIONS.
7 S 2. Paragraph b of subdivision 2 of section 510 of the vehicle and
8 traffic law is amended by adding a new subparagraph (xvi) to read as
9 follows:
10 (XVI) WHEN THE HOLDER HAS FAILED TO APPLY TO THE COMMISSIONER WITHIN
11 THIRTY DAYS OF A COURT ORDER FOR A REEXAMINATION PURSUANT TO SECTION
12 EIGHTEEN HUNDRED ELEVEN OF THIS CHAPTER, UNTIL THE HOLDER MAKES SUCH
13 APPLICATION WITH THE COMMISSIONER.
14 S 3. The vehicle and traffic law is amended by adding a new section
15 1811 to read as follows:
16 S 1811. REEXAMINATION. 1. UPON SENTENCING A PERSON CONVICTED OF A
17 VIOLATION OF ANY OF THE PROVISIONS OF TITLE SIX OR ARTICLES
18 TWENTY-THREE, TWENTY-FOUR, TWENTY-FIVE, TWENTY-SIX, TWENTY-EIGHT, TWEN-
19 TY-NINE, THIRTY, THIRTY-ONE, THIRTY-TWO, AND SECTION TWELVE HUNDRED
20 TWELVE OF THIS CHAPTER OR OF ANY ORDINANCE, ORDER, RULE OR REGULATION
21 ADOPTED PURSUANT TO SECTION SIXTEEN HUNDRED THIRTY OR SIXTEEN HUNDRED
22 THIRTY-ONE OF THIS CHAPTER AND EITHER (A) SUCH PERSON WAS CONVICTED TWO
23 OR MORE TIMES WITHIN THE PREVIOUS EIGHTEEN MONTHS OF ANY SUCH PROVISION,
24 ORDINANCE, ORDER, RULE OR REGULATION OR ANY COMBINATION THEREOF NOT

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

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1 ARISING FROM THE SAME INCIDENT OR (B) THE COURT HAS REASONABLE GROUNDS
2 TO BELIEVE THAT SUCH PERSON IS NOT QUALIFIED TO DRIVE A MOTOR VEHICLE, A
3 COURT MAY, IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, ISSUE AN
4 ORDER REQUIRING SUCH PERSON TO SUBMIT TO A REEXAMINATION BY THE COMMIS-
5 SIONER PURSUANT TO SECTION FIVE HUNDRED SIX OF THIS CHAPTER.

6 2. THE COURT OR THE CLERK THEREOF SHALL NOTIFY THE COMMISSIONER, WITH-
7 IN TEN DAYS OF SENTENCING, OF AN ORDER FOR REEXAMINATION, IN A MANNER
8 AND FORM PRESCRIBED BY THE COMMISSIONER. SUCH FORM SHALL CONTAIN A
9 STATEMENT BY THE COURT OF THE FACTS AND CIRCUMSTANCES THAT CAUSED THE
10 COURT TO BELIEVE THAT REEXAMINATION WAS NECESSARY.

11 3. ANY SUCH REEXAMINATION SHALL BE MADE AT THE EXPENSE OF THE PERSON
12 REQUIRED TO BE EXAMINED.

13 4. NOTHING CONTAINED IN THIS SECTION SHALL BE DEEMED TO SUPERSEDE THE
14 REQUIREMENTS OF ARTICLE THIRTY-ONE OR ANY OTHER PROVISION OF THIS CHAP-
15 TER THAT ARE OTHERWISE APPLICABLE TO THE SUSPENSION, REVOCATION OR
16 RESTORATION OF A DRIVER'S LICENSE.

17 S 4. This act shall take effect on the first of November next succeed-
18 ing the date on which it shall have become a law.