

1519

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. MARCELLINO -- 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 restrictions
on commercial driver's licenses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 (b) of subdivision 1 of section 509-cc of the vehicle
10 and traffic law is amended by adding a new subparagraph (vi) to read as
11 follows:
12 (VI) 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,
19 as amended by section 4 of part CC of chapter 58 of the laws of 2011, 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
23 state (a) of a felony involving the use of a motor vehicle except a
24 felony as described in paragraph (b) of this subdivision; (b) of a felo-

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

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

35 S 6. This act shall take effect on the one hundred twentieth day after
36 it shall have become a law; provided, however, that section five of this
37 act shall take effect on the same date and in the same manner as section
38 5 of part CC of chapter 58 of the laws of 2011, takes effect. Effective
39 immediately, the addition, amendment and/or repeal of any rule or regu-
40 lation necessary for the implementation of this act on its effective
41 date is authorized to be made on or before such effective date.