

5216

2013-2014 Regular Sessions

I N S E N A T E

May 14, 2013

Introduced by Sen. FUSCHILLO -- 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 the restoration of a driver's license in certain cases

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

1 Section 1. Section 510 of the vehicle and traffic law is amended by
2 adding a new subdivision 7-a to read as follows:
3 7-A. LICENSE RESTORATION. (A) NOTWITHSTANDING ANY INCONSISTENT
4 PROVISION OF THIS CHAPTER, WHEN A PERSON HAS BEEN CONVICTED OF A
5 VIOLATION OF ANY SUBDIVISION OF SECTION ELEVEN HUNDRED NINETY-TWO OF
6 THIS CHAPTER OR HAS BEEN ADJUDICATED A YOUTHFUL OFFENDER PURSUANT TO A
7 VIOLATION OF ANY SUBDIVISION OF SECTION ELEVEN HUNDRED NINETY-TWO OF
8 THIS CHAPTER, OR HAS BEEN FOUND TO HAVE OPERATED A MOTOR VEHICLE AFTER
9 HAVING CONSUMED ALCOHOL IN VIOLATION OF SECTION ELEVEN HUNDRED
10 NINETY-TWO-A OF THIS CHAPTER, AND AS A RESULT IS SUBJECT TO A REVOCATION
11 OR SUSPENSION OF A LICENSE OR PRIVILEGE TO OPERATE A MOTOR VEHICLE IN
12 THIS STATE PURSUANT TO THIS SECTION OR SECTION ELEVEN HUNDRED
13 NINETY-THREE OF THIS CHAPTER, THE COMMISSIONER SHALL NOT RESTORE SUCH
14 LICENSE OR PRIVILEGE UNLESS SUCH PERSON HAS DEMONSTRATED, ON FORMS
15 PRESCRIBED BY THE COMMISSIONER, THAT HE OR SHE HAS COMPLETELY SATISFIED
16 ALL OF THE APPLICABLE REQUIREMENTS IMPOSED PURSUANT TO ARTICLE
17 THIRTY-ONE OF THIS CHAPTER AND ANY OTHER APPLICABLE PROVISION OF THIS
18 CHAPTER, AND HAS COMPLIED IN FULL WITH ANY OTHER CONDITIONS OF SENTENC-
19 ING IMPOSED BY THE COURT, INCLUDING, BUT NOT LIMITED TO, THE PAYMENT IN
20 FULL OF ALL FINES AND MANDATORY SURCHARGES.
21 (B) THE COMMISSIONER, IN CONSULTATION WITH THE OFFICE OF COURT ADMIN-
22 ISTRATION, SHALL PROMULGATE REGULATIONS TO EFFECTUATE THE PROVISIONS OF
23 THIS SUBDIVISION AND PARAGRAPH (G) OF SUBDIVISION TWO OF SECTION ELEVEN
24 HUNDRED NINETY-THREE OF THIS CHAPTER.

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

LBD10974-01-3

1 S 2. Subdivision 2 of section 1193 of the vehicle and traffic law is
2 amended by adding a new paragraph (g) to read as follows:
3 (G) LICENSE RESTORATION. (1) NOTWITHSTANDING ANY INCONSISTENT
4 PROVISION OF THIS CHAPTER, WHEN A PERSON HAS BEEN CONVICTED OF A
5 VIOLATION OF ANY SUBDIVISION OF SECTION ELEVEN HUNDRED NINETY-TWO OF
6 THIS CHAPTER OR HAS BEEN ADJUDICATED A YOUTHFUL OFFENDER PURSUANT TO A
7 VIOLATION OF ANY SUBDIVISION OF SECTION ELEVEN HUNDRED NINETY-TWO-A OF
8 THIS CHAPTER, OR HAS BEEN FOUND TO HAVE OPERATED A MOTOR VEHICLE AFTER
9 HAVING CONSUMED ALCOHOL IN VIOLATION OF SECTION ELEVEN HUNDRED
10 NINETY-TWO-A OF THIS CHAPTER, AND AS A RESULT IS SUBJECT TO A REVOCATION
11 OR SUSPENSION OF A LICENSE OR PRIVILEGE TO OPERATE A MOTOR VEHICLE IN
12 THIS STATE PURSUANT TO THIS SECTION OR SECTION FIVE HUNDRED TEN OF THIS
13 CHAPTER, THE COMMISSIONER SHALL NOT RESTORE SUCH LICENSE OR PRIVILEGE
14 UNLESS SUCH PERSON HAS DEMONSTRATED, ON FORMS PRESCRIBED BY THE COMMIS-
15 SIONER, THAT HE OR SHE HAS COMPLETELY SATISFIED ALL OF THE APPLICABLE
16 REQUIREMENTS IMPOSED PURSUANT TO ARTICLE THIRTY-ONE OF THIS CHAPTER AND
17 ANY OTHER APPLICABLE PROVISION OF THIS CHAPTER, AND HAS COMPLIED IN FULL
18 WITH ANY OTHER CONDITIONS OF SENTENCING IMPOSED BY THE COURT, INCLUDING,
19 BUT NOT LIMITED TO, THE PAYMENT IN FULL OF ALL FINES AND MANDATORY
20 SURCHARGES.
21 (2) THE COMMISSIONER, IN CONSULTATION WITH THE OFFICE OF COURT ADMIN-
22 ISTRATION, SHALL PROMULGATE REGULATIONS TO EFFECTUATE THE PROVISIONS OF
23 THIS SUBDIVISION AND SUBDIVISION SEVEN-A OF SECTION FIVE HUNDRED TEN OF
24 THIS CHAPTER.
25 S 3. This act shall take effect immediately.