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

1933

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the revocation and the reissuance of licenses; and to repeal subparagraph 12 of paragraph (b) of subdivision 2 of section 1193 of such law, relating to permanent revocation

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

Section 1. Subparagraph 12 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law is REPEALED.

S 2. Paragraph (c) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by chapter 312 of the laws of 1994, subparagraph 3 as amended by chapter 732 of the laws of 2006, is amended to read as follows:

(c) Reissuance of licenses; restrictions. (1) Except as otherwise provided in this paragraph, where a license is revoked pursuant to paragraph (b) of this subdivision, no new license shall be issued after the expiration of the minimum period specified in such paragraph, except in the discretion of the commissioner.

(2) Where a license is revoked pursuant to subparagraph two, three or eight of paragraph (b) of this subdivision for a violation of subdivision four of section eleven hundred ninety-two of this article, and where the individual does not have a driver's license or the individual's license was suspended at the time of conviction or youthful offender or other juvenile adjudication, the commissioner shall not issue a new license nor restore the former license for a period of six months after such individual would otherwise have become eligible to obtain a new license or to have the former license restored; provided, however, that during such delay period the commissioner may issue a restricted use license pursuant to section five hundred thirty of this chapter.

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

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(3) In no event shall a new license be issued where a person has been [twice] convicted THREE TIMES of a violation of [subdivision three, four or four-a of] section eleven hundred ninety-two of this article or of [driving while intoxicated or of driving while ability is impaired by the use of a drug or of driving while ability is impaired by the combined influence of drugs or of alcohol and any drug or drugs] ANY VIOLATION OF THE PENAL LAW FOR WHICH A VIOLATION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE IS AN ESSENTIAL ELEMENT OR HAS THREE TIMES BEEN FOUND TO HAVE REFUSED TO SUBMIT TO A CHEMICAL TEST PURSUANT TO SECTION ELEVEN HUNDRED NINETY-FOUR OF THIS ARTICLE, OR HAS ANY COMBINATION OF THREE SUCH CONVICTIONS AND FINDINGS OF REFUSAL NOT ARISING OUT OF THE SAME INCIDENT, OR HAS BEEN CONVICTED TWICE where physical injury, as defined in section 10.00 of the penal law, has resulted from such offense in each instance.

S 3. Subparagraph (iii) of paragraph (a) of subdivision 3 of section 511 of the vehicle and traffic law, as amended by chapter 746 of the laws of 2006, is amended to read as follows:

(iii) commits the offense of aggravated unlicensed operation of a motor vehicle in the third degree as defined in subdivision one of this section; and is operating a motor vehicle while under permanent revocation as set forth in subparagraph [twelve] THREE of paragraph [(b)] (C) of subdivision two of section eleven hundred ninety-three of this chapter.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.