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I N   A S S E M B L Y

June 5, 2014

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Benedetto)  
-- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to veteran  
suspended licenses

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

1     Section 1. Subdivision 3 of section 503 of the vehicle and traffic  
2     law, as amended by chapter 548 of the laws of 1986, is amended to read  
3     as follows:  
4     3. Waiver of fee. (A) The commissioner may waive the payment of fees  
5     required by subdivision two of this section if the applicant:  
6     (i) is an inmate in an institution under the jurisdiction of a state  
7     department or agency, or  
8     (ii) is a victim of crime and the driver's license or learner's permit  
9     applied for is a replacement for one that was lost or destroyed as a  
10    result of the crime.  
11    (B) A MILITARY SERVICE MEMBER, INCLUDING A MEMBER OF THE UNITED STATES  
12    ARMY, NAVY, AIR FORCE, MARINES OR COAST GUARD, OR A MEMBER OF THE NEW  
13    YORK ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NAVAL MILITIA OR STATE  
14    GUARD, WHOSE LICENSE OR REGISTRATION IS SUSPENDED OR REVOKED DURING THE  
15    PENDENCY OF ACTIVE DUTY MILITARY SERVICE OUTSIDE THE STATE, SHALL, UPON  
16    THE SUBMISSION OF PROOF OF SUCH ACTIVE SERVICE TO THE COMMISSIONER, BE  
17    LIFTED AND VACATED UPON ORDER OF THE COMMISSIONER, WITHOUT COST, FEE,  
18    FINE, OR PENALTY. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION,  
19    THE COMMISSIONER MAY IMPOSE A NEW SUSPENSION OF SUCH SERVICE MEMBER'S  
20    DRIVER'S LICENSE OR REGISTRATION, AFTER SIXTY DAYS OF THE RETURN OF THE  
21    SERVICE MEMBER FROM SUCH ACTIVE MILITARY SERVICE, OR AFTER SIXTY DAYS OF  
22    THE LIFTING OR VACATING OF THE SUSPENSION OR REVOCATION, WHICHEVER IS  
23    LATER, IF THE REASON UPON WHICH THE LICENSE OR REGISTRATION WAS  
24    ORIGINALLY SUSPENDED, HAS NOT BEEN RESOLVED. PRIOR TO THE ISSUANCE OF  
25    THE NEW SUSPENSION OR REVOCATION, THE COMMISSIONER SHALL NOTIFY THE  
26    SERVICE MEMBER NOT LESS THAN THIRTY DAYS BEFORE SUCH NEW SUSPENSION OR  
27    REVOCATION WOULD TAKE EFFECT. NO SUSPENSION OR REVOCATION OF A LICENSE  
28    OF A SERVICE MEMBER SHALL BE LIFTED OR VACATED IN ACCORDANCE WITH THIS

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

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1 SUBDIVISION, IF SUCH SUSPENSION OR REVOCATION WAS IMPOSED AS A RESULT OF  
2 A COURT ORDER ISSUED PRIOR TO THE DATE OF THE SERVICE MEMBER'S ACTIVE  
3 DUTY, IN A PROCEEDING IN WHICH THE SERVICE MEMBER PERSONALLY APPEARED.

4 (C) ANY ACTION OR PROCEEDING RESULTING IN THE CONVICTION IN ABSENTIA  
5 OF A MILITARY SERVICE MEMBER, INCLUDING A MEMBER OF THE UNITED STATES  
6 ARMY, NAVY, AIR FORCE, MARINES OR COAST GUARD, OR A MEMBER OF THE NEW  
7 YORK ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NAVAL MILITIA OR STATE  
8 GUARD, FOR A VIOLATION OF THE VEHICLE AND TRAFFIC LAW, DURING THE  
9 PENDENCY OF ACTIVE DUTY MILITARY SERVICE OUTSIDE THE STATE, SHALL, UPON  
10 THE SUBMISSION OF PROOF OF SUCH ACTIVE SERVICE TO THE COMMISSIONER,  
11 CAUSE THE COMMISSIONER TO NOTIFY THE COURT WHERE THE SERVICE MEMBER WAS  
12 CONVICTED, OF THE ACTIVE DUTY SERVICE OF THE SERVICE MEMBER, WHEREUPON  
13 SUCH COURT SHALL IMMEDIATELY REVERSE AND VACATE SUCH CONVICTION, WITHOUT  
14 COST, FEE, FINE, OR PENALTY, AND NOTIFY THE SERVICE MEMBER OF SUCH  
15 ACTION. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, THE COURT  
16 MAY ACCEPT A REFILEING OF THE CHARGES UPON WHICH SUCH SERVICE MEMBER WAS  
17 ORIGINALLY CONVICTED, WITHOUT PREJUDICE, BY A PROSECUTING AUTHORITY,  
18 AFTER SIXTY DAYS OF THE RETURN OF THE SERVICE MEMBER FROM SUCH ACTIVE  
19 MILITARY SERVICE, OR AFTER SIXTY DAYS OF THE REVERSING OR VACATING OF  
20 THE ORIGINAL CONVICTION, WHICHEVER IS LATER. IF THE ORIGINAL CHARGES ARE  
21 SO REFILED, THE COURT SHALL NOTIFY THE SERVICE MEMBER NOT LESS THAN  
22 THIRTY DAYS BEFORE SUCH CHARGES MUST BE ANSWERED. NO CONVICTION OF A  
23 SERVICE MEMBER SHALL BE REVERSED OR VACATED IN ACCORDANCE WITH THIS  
24 SUBDIVISION, IF SUCH CONVICTION WAS IMPOSED PRIOR TO THE DATE OF THE  
25 SERVICE MEMBER'S ACTIVE DUTY, IN A PROCEEDING IN WHICH THE SERVICE  
26 MEMBER PERSONALLY APPEARED.

27 (D) ANY ACTION OR PROCEEDING RESULTING IN THE CONVICTION IN ABSENTIA  
28 OF A MILITARY SERVICE MEMBER, INCLUDING A MEMBER OF THE UNITED STATES  
29 ARMY, NAVY, AIR FORCE, MARINES OR COAST GUARD, OR A MEMBER OF THE NEW  
30 YORK ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NAVAL MILITIA OR STATE  
31 GUARD, FOR A VIOLATION OF AN ADMINISTRATIVE CODE, INCLUDING A VIOLATION  
32 OBSERVED BY RED LIGHT CAMERAS OR THE TERMS AND AGREEMENTS OF AN EZ PASS  
33 CONTRACT, DURING THE PENDENCY OF ACTIVE DUTY MILITARY SERVICE OUTSIDE  
34 THE STATE, SHALL, UPON THE SUBMISSION OF PROOF OF SUCH ACTIVE SERVICE TO  
35 THE COMMISSIONER, CAUSE THE COMMISSIONER TO NOTIFY THE ADMINISTRATIVE  
36 ENTITY WHICH DETERMINED SUCH CONVICTION, OF THE ACTIVE DUTY SERVICE OF  
37 THE SERVICE MEMBER, WHEREUPON SUCH ADMINISTRATIVE ENTITY SHALL IMME-  
38 DIATELY REVERSE AND VACATE SUCH CONVICTION, WITHOUT COST, FEE, FINE, OR  
39 PENALTY, AND NOTIFY THE SERVICE MEMBER OF SUCH ACTION. NOTWITHSTANDING  
40 THE PROVISIONS OF THIS SUBDIVISION, THE ADMINISTRATIVE ENTITY MAY ACCEPT  
41 A REFILEING OF THE ADMINISTRATIVE CHARGES UPON WHICH SUCH SERVICE MEMBER  
42 WAS ORIGINALLY CONVICTED, WITHOUT PREJUDICE, AFTER SIXTY DAYS OF THE  
43 RETURN OF THE SERVICE MEMBER FROM SUCH ACTIVE MILITARY SERVICE, OR AFTER  
44 SIXTY DAYS OF THE REVERSING OR VACATING OF THE ORIGINAL CONVICTION,  
45 WHICHEVER IS LATER. IF THE ORIGINAL CHARGES ARE SO REFILED, THE ADMINIS-  
46 TRATIVE ENTITY SHALL NOTIFY THE SERVICE MEMBER NOT LESS THAN THIRTY DAYS  
47 BEFORE SUCH CHARGES MUST BE ANSWERED. NO CONVICTION OF A SERVICE MEMBER  
48 SHALL BE REVERSED OR VACATED IN ACCORDANCE WITH THIS SUBDIVISION, IF  
49 SUCH CONVICTION WAS IMPOSED PRIOR TO THE DATE OF THE SERVICE MEMBER'S  
50 ACTIVE DUTY, IN A PROCEEDING IN WHICH THE SERVICE MEMBER PERSONALLY  
51 APPEARED.

52 S 2. This act shall take effect on the first of November next succeed-  
53 ing the date on which it shall have become a law.