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

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I N S E N A T E

March 13, 2014

Introduced by Sens. ZELDIN, BONACIC, GRISANTI, LARKIN, MARTINS, SEWARD -- 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 veteran suspended licenses

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

Section 1. Subdivision 3 of section 503 of the vehicle and traffic law, as amended by chapter 548 of the laws of 1986, is amended to read as follows:

3. Waiver of fee. (A) The commissioner may waive the payment of fees required by subdivision two of this section if the applicant:

(i) is an inmate in an institution under the jurisdiction of a state department or agency, or

(ii) is a victim of crime and the driver's license or learner's permit applied for is a replacement for one that was lost or destroyed as a result of the crime.

(B) A MILITARY SERVICE MEMBER, INCLUDING A MEMBER OF THE UNITED STATES ARMY, NAVY, AIR FORCE, MARINES OR COAST GUARD, OR A MEMBER OF THE NEW YORK ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NAVAL MILITIA OR STATE GUARD, WHOSE LICENSE OR REGISTRATION IS SUSPENDED OR REVOKED DURING THE PENDENCY OF ACTIVE DUTY MILITARY SERVICE OUTSIDE THE STATE, SHALL, UPON THE SUBMISSION OF PROOF OF SUCH ACTIVE SERVICE TO THE COMMISSIONER, BE LIFTED AND VACATED UPON ORDER OF THE COMMISSIONER, WITHOUT COST, FEE, FINE, OR PENALTY. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, THE COMMISSIONER MAY IMPOSE A NEW SUSPENSION OF SUCH SERVICE MEMBER'S DRIVER'S LICENSE OR REGISTRATION, AFTER SIXTY DAYS OF THE RETURN OF THE SERVICE MEMBER FROM SUCH ACTIVE MILITARY SERVICE, OR AFTER SIXTY DAYS OF THE LIFTING OR VACATING OF THE SUSPENSION OR REVOCATION, WHICHEVER IS LATER, IF THE REASON UPON WHICH THE LICENSE OR REGISTRATION WAS ORIGINALLY SUSPENDED, HAS NOT BEEN RESOLVED. PRIOR TO THE ISSUANCE OF THE NEW SUSPENSION OR REVOCATION, THE COMMISSIONER SHALL NOTIFY THE SERVICE MEMBER NOT LESS THAN THIRTY DAYS BEFORE SUCH NEW SUSPENSION OR REVOCATION WOULD TAKE EFFECT. NO SUSPENSION OR REVOCATION OF A LICENSE

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

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OF A SERVICE MEMBER SHALL BE LIFTED OR VACATED IN ACCORDANCE WITH THIS SUBDIVISION, IF SUCH SUSPENSION OR REVOCATION WAS IMPOSED AS A RESULT OF A COURT ORDER ISSUED PRIOR TO THE DATE OF THE SERVICE MEMBER'S ACTIVE DUTY, IN A PROCEEDING IN WHICH THE SERVICE MEMBER PERSONALLY APPEARED.

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

(D) ANY ACTION OR PROCEEDING RESULTING IN THE CONVICTION IN ABSENTIA OF A MILITARY SERVICE MEMBER, INCLUDING A MEMBER OF THE UNITED STATES ARMY, NAVY, AIR FORCE, MARINES OR COAST GUARD, OR A MEMBER OF THE NEW YORK ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NAVAL MILITIA OR STATE GUARD, FOR A VIOLATION OF AN ADMINISTRATIVE CODE, INCLUDING A VIOLATION OBSERVED BY RED LIGHT CAMERAS OR THE TERMS AND AGREEMENTS OF AN EZ PASS CONTRACT, DURING THE PENDENCY OF ACTIVE DUTY MILITARY SERVICE OUTSIDE THE STATE, SHALL, UPON THE SUBMISSION OF PROOF OF SUCH ACTIVE SERVICE TO THE COMMISSIONER, CAUSE THE COMMISSIONER TO NOTIFY THE ADMINISTRATIVE ENTITY WHICH DETERMINED SUCH CONVICTION, OF THE ACTIVE DUTY SERVICE OF THE SERVICE MEMBER, WHEREUPON SUCH ADMINISTRATIVE ENTITY SHALL IMMEDIATELY REVERSE AND VACATE SUCH CONVICTION, WITHOUT COST, FEE, FINE, OR PENALTY, AND NOTIFY THE SERVICE MEMBER OF SUCH ACTION. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, THE ADMINISTRATIVE ENTITY MAY ACCEPT A REFILING OF THE ADMINISTRATIVE CHARGES UPON WHICH SUCH SERVICE MEMBER WAS ORIGINALLY CONVICTED, WITHOUT PREJUDICE, AFTER SIXTY DAYS OF THE RETURN OF THE SERVICE MEMBER FROM SUCH ACTIVE MILITARY SERVICE, OR AFTER SIXTY DAYS OF THE REVERSING OR VACATING OF THE ORIGINAL CONVICTION, WHICHEVER IS LATER. IF THE ORIGINAL CHARGES ARE SO REFILED, THE ADMINISTRATIVE ENTITY SHALL NOTIFY THE SERVICE MEMBER NOT LESS THAN THIRTY DAYS BEFORE SUCH CHARGES MUST BE ANSWERED. NO CONVICTION OF A SERVICE MEMBER SHALL BE REVERSED OR VACATED IN ACCORDANCE WITH THIS SUBDIVISION, IF SUCH CONVICTION WAS IMPOSED PRIOR TO THE DATE OF THE SERVICE MEMBER'S ACTIVE DUTY, IN A PROCEEDING IN WHICH THE SERVICE MEMBER PERSONALLY APPEARED.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.