

9120

I N A S S E M B L Y

January 28, 2016

Introduced by M. of A. SCHIMEL -- 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 ASSEMBLY, 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 INCLUDING A
9 VIOLATION OBSERVED BY A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITOR-
10 ING DEVICE OR A PHOTO SPEED VIOLATION MONITORING SYSTEM, DURING THE
11 PENDENCY OF ACTIVE DUTY MILITARY SERVICE OUTSIDE THE STATE, SHALL, UPON
12 THE SUBMISSION OF PROOF OF SUCH ACTIVE SERVICE TO THE COMMISSIONER,
13 CAUSE THE COMMISSIONER TO NOTIFY THE COURT WHERE THE SERVICE MEMBER WAS
14 CONVICTED, OF THE ACTIVE DUTY SERVICE OF THE SERVICE MEMBER, WHEREUPON
15 SUCH COURT SHALL IMMEDIATELY REVERSE AND VACATE SUCH CONVICTION, WITHOUT
16 COST, FEE, FINE, OR PENALTY, AND NOTIFY THE SERVICE MEMBER OF SUCH
17 ACTION. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, THE COURT
18 MAY ACCEPT A REFILEING OF THE CHARGES UPON WHICH SUCH SERVICE MEMBER WAS
19 ORIGINALLY CONVICTED, WITHOUT PREJUDICE, BY A PROSECUTING AUTHORITY,
20 AFTER SIXTY DAYS OF THE RETURN OF THE SERVICE MEMBER FROM SUCH ACTIVE
21 MILITARY SERVICE, OR AFTER SIXTY DAYS OF THE REVERSING OR VACATING OF
22 THE ORIGINAL CONVICTION, WHICHEVER IS LATER. IF THE ORIGINAL CHARGES ARE
23 SO REFILED, THE COURT SHALL NOTIFY THE SERVICE MEMBER NOT LESS THAN
24 THIRTY DAYS BEFORE SUCH CHARGES MUST BE ANSWERED. NO CONVICTION OF A
25 SERVICE MEMBER SHALL BE REVERSED OR VACATED IN ACCORDANCE WITH THIS
26 SUBDIVISION, IF SUCH CONVICTION WAS IMPOSED PRIOR TO THE DATE OF THE
27 SERVICE MEMBER'S ACTIVE DUTY, IN A PROCEEDING IN WHICH THE SERVICE
28 MEMBER PERSONALLY APPEARED.

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