

STATE OF NEW YORK

4476

2017-2018 Regular Sessions

IN ASSEMBLY

February 2, 2017

Introduced by M. of A. SCHIMMINGER, GIGLIO, HAWLEY, JOHNS, PALMESANO --
Multi-Sponsored by -- M. of A. BARCLAY, GUNTHER, LOPEZ, McDONALD --
read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law and the vehicle and traffic law, in relation to authorizing courts to suspend a driver's license where the holder fails to appear before the court, pay a fine, complete an alcohol awareness program or complete community service within the period of time established by such court

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 65-c of the alcoholic beverage
2 control law, as amended by chapter 137 of the laws of 2001, is amended
3 to read as follows:

4 3. Any person who unlawfully possesses an alcoholic beverage with
5 intent to consume may be summoned before and examined by a court having
6 jurisdiction of that charge; provided, however, that nothing contained
7 herein shall authorize, or be construed to authorize, a peace officer as
8 defined in subdivision thirty-three of section 1.20 of the criminal
9 procedure law or a police officer as defined in subdivision thirty-four
10 of section 1.20 of such law to arrest a person who unlawfully possesses
11 an alcoholic beverage with intent to consume. If a determination is made
12 sustaining such charge the court may impose a fine not exceeding fifty
13 dollars and/or completion of an alcohol awareness program established
14 pursuant to section 19.25 of the mental hygiene law and/or an appropriate
15 amount of community service not to exceed thirty hours. In addition
16 to any fine, alcohol awareness program and/or community service imposed
17 by the court pursuant to this section, the court may suspend the driver's
18 license of any person who fails to appear before the court, pay a
19 fine, complete an alcohol awareness program or complete community
20 service pursuant to this section within the period of time established
21 by such court. Such suspension shall be made upon notice to such person

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

LBD06131-01-7

1 and shall remain in effect until such person appears in court, such fine
2 has been paid or such program or community service has been completed to
3 the satisfaction of the court.

4 § 2. Paragraph k of subdivision 3 of section 510 of the vehicle and
5 traffic law, as amended by chapter 124 of the laws of 1992, is amended
6 and a new paragraph l is added to read as follows:

7 k. for a period of up to ninety days because of the conviction of the
8 holder of the offenses of menacing as defined in section 120.15 of the
9 penal law, where such offense was committed against a traffic enforce-
10 ment agent employed by the city of New York or the city of Buffalo while
11 such agent was enforcing or attempting to enforce the traffic regu-
12 lations of such city[];

13 l. for failing to appear before the court or pay a fine or to complete
14 an alcohol awareness program or complete community service imposed by
15 the court pursuant to subdivision three of section sixty-five-c of the
16 alcoholic beverage control law.

17 § 3. Paragraph (a) of subdivision 4-a of section 510 of the vehicle
18 and traffic law, as added by section 10 of part J of chapter 62 of the
19 laws of 2003, is amended to read as follows:

20 (a) Upon receipt of a court notification of the failure of a person to
21 appear within sixty days of the return date or new subsequent adjourned
22 date, pursuant to an appearance ticket charging said person with a
23 violation of any of the provisions of this chapter (except one for park-
24 ing, stopping, or standing), of any violation of the tax law or of
25 subdivision three of section sixty-five-c of the alcoholic beverage
26 control law or of the transportation law regulating traffic or of any
27 lawful ordinance or regulation made by a local or public authority,
28 relating to traffic (except one for parking, stopping, or standing) or
29 the failure to pay a fine imposed by a court the commissioner or his or
30 her agent may suspend the driver's license or privileges of such person
31 pending receipt of notice from the court that such person has appeared
32 in response to such appearance ticket or has paid such fine. Such
33 suspension shall take effect no less than thirty days from the day upon
34 which notice thereof is sent by the commissioner to the person whose
35 driver's license or privileges are to be suspended. Any suspension
36 issued pursuant to this paragraph shall be subject to the provisions of
37 paragraph (j-1) of subdivision two of section five hundred three of this
38 [~~chapter~~] title.

39 § 4. This act shall take effect on the first of January next succeed-
40 ing the date on which it shall have become a law.