

# STATE OF NEW YORK

6374

2017-2018 Regular Sessions

## IN ASSEMBLY

March 6, 2017

Introduced by M. of A. DenDEKKER -- 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

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

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1 service member not less than thirty days before such new suspension or  
2 revocation would take effect. No suspension or revocation of a license  
3 of a service member shall be lifted or vacated in accordance with this  
4 subdivision, if such suspension or revocation was imposed as a result of  
5 a court order issued prior to the date of the service member's active  
6 duty, in a proceeding in which the service member personally appeared.

7 (c) Any action or proceeding resulting in the conviction in absentia  
8 of a military service member, including a member of the United States  
9 Army, Navy, Air Force, Marines or Coast Guard, or a member of the New  
10 York army national guard, air national guard, naval militia or state  
11 guard, for a violation of the vehicle and traffic law including a  
12 violation observed by a traffic-control signal photo violation-monitor-  
13 ing device or a photo speed violation monitoring system, during the  
14 pendency of active duty military service outside the state, shall, upon  
15 the submission of proof of such active service to the commissioner,  
16 cause the commissioner to notify the court where the service member was  
17 convicted, of the active duty service of the service member, whereupon  
18 such court shall immediately reverse and vacate such conviction, without  
19 cost, fee, fine, or penalty, and notify the service member of such  
20 action. Notwithstanding the provisions of this subdivision, the court  
21 may accept a refiling of the charges upon which such service member was  
22 originally convicted, without prejudice, by a prosecuting authority,  
23 after sixty days of the return of the service member from such active  
24 military service, or after sixty days of the reversing or vacating of  
25 the original conviction, whichever is later. If the original charges are  
26 so refiled, the court shall notify the service member not less than  
27 thirty days before such charges must be answered. No conviction of a  
28 service member shall be reversed or vacated in accordance with this  
29 subdivision, if such conviction was imposed prior to the date of the  
30 service member's active duty, in a proceeding in which the service  
31 member personally appeared.

32 § 2. This act shall take effect on the first of November next succeed-  
33 ing the date on which it shall have become a law.