

# STATE OF NEW YORK

7753--A

2017-2018 Regular Sessions

## IN ASSEMBLY

May 11, 2017

Introduced by M. of A. MURRAY, McDONOUGH, DiPIETRO, MONTESANO, HAWLEY, JAFFEE, RA -- Multi-Sponsored by -- M. of A. ERRIGO, THIELE -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to criminal history background check of transportation network company drivers

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

1 Section 1. Paragraphs (b) and (c) of subdivision 2 of section 1699 of  
2 the vehicle and traffic law, as added by section 2 of part AAA of chap-  
3 ter 59 of the laws of 2017, are amended to read as follows:

4 (b) An applicant shall be disqualified to receive a TNC driver permit  
5 where he or she:

6 (i) stands convicted in the last three years of: unlawful fleeing a  
7 police officer in a motor vehicle in violation of sections 270.35,  
8 270.30 or 270.25 of the penal law, reckless driving in violation of  
9 section twelve hundred twelve of this chapter, operating while license  
10 or privilege is suspended or revoked in violation of section five  
11 hundred eleven of this chapter, excluding subdivision seven of such  
12 section, a misdemeanor offense of operating a motor vehicle while under  
13 the influence of alcohol or drugs in violation of section eleven hundred  
14 ninety-two of this chapter, or leaving the scene of an accident in  
15 violation of subdivision two of section six hundred of this chapter. In  
16 calculating the three year period under this subparagraph, any period of  
17 time during which the person was incarcerated after the commission of  
18 such offense shall be excluded and such three year period shall be  
19 extended by a period or periods equal to the time spent incarcerated;  
20 [~~ex~~]

21 (ii) stands convicted in the last seven years of: [~~a sex offense~~  
22 ~~defined in subdivision two of section one hundred sixty-eight-a of the~~

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

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1 ~~correction law,~~] a felony offense defined in article one hundred twen-  
2 ty-five of the penal law, a violent felony offense defined in section  
3 70.02 of the penal law, a class A felony offense defined in the penal  
4 law, a felony offense defined in section eleven hundred ninety-two of  
5 this chapter, ~~[an offense for which registration as a sex offender is~~  
6 ~~required pursuant to article six-C of the correction law,~~] or any  
7 conviction of an offense in any other jurisdiction that has all the  
8 essential elements of an offense listed in this subparagraph. In calcu-  
9 lating the seven year period under this subparagraph, any period of time  
10 during which the person was incarcerated after the commission of such  
11 offense shall be excluded and such seven year period shall be extended  
12 by a period or periods equal to the time spent incarcerated; or

13 (iii) stands convicted of a sex offense defined in subdivision two of  
14 section one hundred sixty-eight-a of the correction law or any other  
15 offense for which registration as a sex offender is required pursuant to  
16 article six-C of the correction law for the duration of time for which  
17 they are required to register as a sex offender pursuant to article  
18 six-C of the correction law.

19 (c) A criminal history record that contains criminal conviction infor-  
20 mation that does not disqualify an applicant pursuant to subparagraphs  
21 (i) ~~[or],~~ (ii) or (iii) of paragraph (b) of this subdivision, shall be  
22 reviewed and considered according to the provisions of article twenty-  
23 three-A of the correction law and subdivisions fifteen and sixteen of  
24 section two hundred ninety-six of the executive law in determining  
25 whether or not the applicant should be issued a TNC driver's permit.

26 § 2. Subdivision 1 of section 1696 of the vehicle and traffic law is  
27 amended by adding a new paragraph (g) to read as follows:

28 (g) Notwithstanding any provision of law to the contrary, the depart-  
29 ment of criminal justice services shall permit a TNC, or a third party  
30 on behalf of a TNC, that is subject to the provisions of this section to  
31 access the New York state sex offender registry by electronic means.

32 § 3. This act shall take effect on the same date and in the same  
33 manner as section 2 of part AAA of chapter 59 of the laws of 2017, takes  
34 effect.