STATE OF NEW YORK

1135

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sen. MARCELLINO -- 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 restrictions on commercial driver's licenses

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

Section 1. Subdivision 1 of section 509-c of the vehicle and traffic law is amended by adding a new paragraph (h) to read as follows:

(h) permanently, if that person was convicted of a violation that requires registration under article six-C of the correction law.

§ 2. Subdivision 2 of section 509-c of the vehicle and traffic law is amended by adding a new paragraph (h) to read as follows:

(h) permanently, if that person was convicted of a violation that requires registration under article six-C of the correction law.

§ 3. Paragraph (b) of subdivision 1 of section 509-cc of the vehicle and traffic law is amended by adding a new subparagraph (vi) to read as follows:

(vi) has been convicted of a violation that requires registration under article six-C of the correction law; or

§ 4. Subdivision 2 of section 509-cc of the vehicle and traffic law is amended by adding a new paragraph (b-1) to read as follows:

(b-1) permanently, if that person was convicted of a violation that requires registration under article six-C of the correction law.

§ 5. Subdivision 1 of section 510-a of the vehicle and traffic law, as amended by section 4 of part CC of chapter 58 of the laws of 2011, is amended to read as follows:

1. Revocation. A commercial driver's license shall be revoked by the commissioner whenever the holder is convicted within or outside of this state (a) of a felony involving the use of a motor vehicle except a felony as described in paragraph (b) of this subdivision; (b) of a felony involving manufacturing, distributing or dispensing a drug as defined

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

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in section one hundred fourteen-a of this chapter or possession of any such drug with intent to manufacture, distribute or dispense such drug in which a motor vehicle was used; (c) of a violation of subdivision one or two of section six hundred of this chapter; (d) of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle; (e) has been convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide; [~~or~~] (f) the commissioner determines that the holder has made a false statement regarding information: (i) required by the federal motor carrier safety improvement act of 1999 and Subpart J of Part 383 of title 49 of the code of federal regulations relating to a commercial driver's license document in an application for a commercial driver's license; (ii) required by the federal motor carrier safety improvement act of 1999 and Part 383.71 (a) and (g) of title 49 of the code of federal regulations relating to an initial commercial driver's license or existing commercial driver's license holder's self-certification in any of the self-certifications regarding the type of driving engaged or to be engaged in by the holder or regarding the non-applicability to the holder of the physical qualification requirements of the federal motor carrier safety improvement act of 1999 and Part 391 of title 49 of the code of federal regulations relating to qualifications of drivers; or (iii) required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to commercial driver's license requirements in any medical certificate**; or (g) of any violation that requires registration under article six-C of the correction law and where such commercial driver's license is for the purpose of driving any bus, as such term is defined in section one hundred four of this chapter or any school bus as defined in section one hundred forty-two of this chapter**.

§ 6. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such effective date.