

# STATE OF NEW YORK

1145

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 the restoration of a driver's license in certain cases

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

1 Section 1. Section 510 of the vehicle and traffic law is amended by  
2 adding a new subdivision 7-a to read as follows:

3 7-a. License restoration. (a) Notwithstanding any inconsistent  
4 provision of this chapter, when a person has been convicted of a  
5 violation of any subdivision of section eleven hundred ninety-two of  
6 this chapter or has been adjudicated a youthful offender pursuant to a  
7 violation of any subdivision of section eleven hundred ninety-two of  
8 this chapter, or has been found to have operated a motor vehicle after  
9 having consumed alcohol in violation of section eleven hundred ninety-  
10 two-a of this chapter, and as a result is subject to a revocation or  
11 suspension of a license or privilege to operate a motor vehicle in this  
12 state pursuant to this section or section eleven hundred ninety-three of  
13 this chapter, the commissioner shall not restore such license or privi-  
14 lege unless such person has demonstrated, on forms prescribed by the  
15 commissioner, that he or she has completely satisfied all of the appli-  
16 cable requirements imposed pursuant to article thirty-one of this chap-  
17 ter and any other applicable provision of this chapter, and has complied  
18 in full with any other conditions of sentencing imposed by the court,  
19 including, but not limited to, the payment in full of all fines and  
20 mandatory surcharges.

21 (b) The commissioner, in consultation with the office of court admin-  
22 istration, shall promulgate regulations to effectuate the provisions of  
23 this subdivision and paragraph (g) of subdivision two of section eleven  
24 hundred ninety-three of this chapter.

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

LBD06010-01-7

1 § 2. Subdivision 2 of section 1193 of the vehicle and traffic law is  
2 amended by adding a new paragraph (g) to read as follows:

3 (g) License restoration. (1) Notwithstanding any inconsistent  
4 provision of this chapter, when a person has been convicted of a  
5 violation of any subdivision of section eleven hundred ninety-two of  
6 this chapter or has been adjudicated a youthful offender pursuant to a  
7 violation of any subdivision of section eleven hundred ninety-two-a of  
8 this chapter, or has been found to have operated a motor vehicle after  
9 having consumed alcohol in violation of section eleven hundred ninety-  
10 two-a of this chapter, and as a result is subject to a revocation or  
11 suspension of a license or privilege to operate a motor vehicle in this  
12 state pursuant to this section or section five hundred ten of this chap-  
13 ter, the commissioner shall not restore such license or privilege unless  
14 such person has demonstrated, on forms prescribed by the commissioner,  
15 that he or she has completely satisfied all of the applicable require-  
16 ments imposed pursuant to article thirty-one of this chapter and any  
17 other applicable provision of this chapter, and has complied in full  
18 with any other conditions of sentencing imposed by the court, including,  
19 but not limited to, the payment in full of all fines and mandatory  
20 surcharges.

21 (2) The commissioner, in consultation with the office of court admin-  
22 istration, shall promulgate regulations to effectuate the provisions of  
23 this subdivision and subdivision seven-a of section five hundred ten of  
24 this chapter.

25 § 3. This act shall take effect immediately.