

STATE OF NEW YORK

8170--B

R. R. 267

2017-2018 Regular Sessions

IN ASSEMBLY

June 1, 2017

Introduced by M. of A. LENTOL, WALLACE, RAMOS, SKARTADOS, BARRETT, SKOUFIS, STIRPE, HUNTER, JONES, MURRAY, JENNE, SANTABARBARA, PICHARDO, JEAN-PIERRE, WOERNER, HARRIS, PELLEGRINO -- read once and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading -- again amended on special order of third reading, ordered reprinted, retaining its place on the special order of third reading

AN ACT to amend the vehicle and traffic law and the correction law, in relation to criminal history of transportation network company drivers; and to amend the criminal procedure law, in relation to juvenile justice

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

Section 1. Paragraph (b) of subdivision 1 of section 1696 of the vehicle and traffic law, as added by section 2 of part AAA of chapter 59 of the laws of 2017, is amended to read as follows:

(b) The TNC shall not permit an applicant where such applicant:

(i) fails to meet all qualifications pursuant to section sixteen hundred ninety-nine of this article;

(ii) is a match in the United States Department of Justice National Sex Offender Public Website;

(iii) is listed on the sex offender registry pursuant to article six-C of the correction law;

(iv) does not possess a valid New York driver's license;

~~(iv)~~ (v) does not possess proof of registration for the motor vehicles used to provide TNC prearranged trips;

~~(v)~~ (vi) does not possess proof of automobile liability insurance for the motor vehicles used to provide TNC prearranged trips as a TNC vehicle; or

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

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1 ~~(vi)~~ (vii) is not at least nineteen years of age.

2 § 2. Paragraph (b) of subdivision 2 of section 1699 of the vehicle and
3 traffic law, as added by section 2 of part AAA of chapter 59 of the laws
4 of 2017, is amended to read as follows:

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

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

22 (ii) stands convicted in the last seven years of: ~~[a sex offense~~
23 ~~defined in subdivision two of section one hundred sixty-eight-a of the~~
24 ~~correction law,]~~ a felony offense defined in article one hundred twen-
25 ty-five of the penal law, a violent felony offense defined in section
26 70.02 of the penal law, a class A felony offense defined in the penal
27 law, a felony offense defined in section eleven hundred ninety-two of
28 this chapter, ~~[an offense for which registration as a sex offender is~~
29 ~~required pursuant to article six-C of the correction law,]~~ or any
30 conviction of an offense in any other jurisdiction that has all the
31 essential elements of an offense listed in this subparagraph. In calcu-
32 lating the seven year period under this subparagraph, any period of time
33 during which the person was incarcerated after the commission of such
34 offense shall be excluded and such seven year period shall be extended
35 by a period or periods equal to the time spent incarcerated; or

36 (iii) is required to register as a sex offender pursuant to article
37 six-C of the correction law.

38 § 3. Section 168-p of the correction law is amended by adding a new
39 subdivision 2-b to read as follows:

40 2-b. The division shall establish a program allowing a transportation
41 network company (TNC), as defined in section one thousand six hundred
42 ninety-one of the vehicle and traffic law, to electronically submit
43 multiple names, and other necessary identifying information as required
44 by the division and in accordance with subdivision one of this section,
45 of applicants applying to be TNC drivers for the purpose of determining
46 whether such applicants are listed on the sex offender registry pursuant
47 to this article. The division shall respond to such inquiry electron-
48 ically, within seventy-two hours, and notify such TNC of any such appli-
49 cant who is listed on the registry pursuant to this article. The divi-
50 sion shall promulgate rules and regulations necessary for the
51 implementation of this subdivision. Such rules and regulations shall
52 include a requirement that a TNC enter into a memorandum of understand-
53 ing with the division which shall require pre-registration before the
54 electronic submission of names and a requirement that information
55 obtained by a TNC pursuant to this subdivision be used solely for the
56 purposes of determining eligibility of an applicant for a TNC permit,

1 pursuant to sections one thousand six hundred ninety-six and one thou-
2 sand six hundred ninety-nine of the vehicle and traffic law, by desig-
3 nated employees of such TNC and that such information shall not be
4 distributed or disclosed to any other person or to the public.

5 § 4. Paragraph (a) of subdivision 2 of section 160.59 of the criminal
6 procedure law, as added by section 48 of part WWW of chapter 59 of the
7 laws of 2017, is amended to read as follows:

8 (a) A defendant who has been convicted of up to two eligible offenses
9 but not more than one felony offense may apply to the court in which he
10 or she was convicted of the most serious offense to have such conviction
11 or convictions sealed. If all offenses are offenses with the same clas-
12 sification, the application shall be made to the court in which the
13 defendant was last convicted.

14 § 5. Subdivision 11 of section 160.59 of the criminal procedure law,
15 as added by section 48 of part WWW of chapter 59 of the laws of 2017, is
16 amended to read as follows:

17 11. No defendant shall be required or permitted to waive eligibility
18 for sealing pursuant to this section as part of a plea of guilty,
19 sentence or any agreement related to a conviction for an eligible
20 offense and any such waiver shall be deemed void and wholly [~~enforcea-~~
21 ~~ble~~] unenforceable.

22 § 6. This act shall take effect immediately; provided, however that
23 sections one and two of this act shall take effect on the same date and
24 in the same manner as section 2 of part AAA of chapter 59 of the laws of
25 2017, takes effect; provided further that sections four and five of this
26 act shall take effect on the same date and in the same manner as section
27 48 of part WWW of chapter 59 of the laws of 2017, takes effect.