

STATE OF NEW YORK

1735

2019-2020 Regular Sessions

IN ASSEMBLY

January 16, 2019

Introduced by M. of A. HUNTER, COOK, CRESPO, BLAKE, VANEL, PEOPLES-STOKES -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, the family court act, the social services law, the alcoholic beverage control law, the education law, the judiciary law and the real property law, in relation to disallowing suspension or revocation of an individual's driver's license for non-payment of child support or taxes; and to repeal certain provisions of the vehicle and traffic law, the family court act, the domestic relations law, the social services law and the tax law relating thereto

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

1 Section 1. Subdivision 4-e of section 510 of the vehicle and traffic
2 law is REPEALED.
3 § 2. Subdivision 4-f of section 510 of the vehicle and traffic law is
4 REPEALED.
5 § 3. Subdivision 7 of section 511 of the vehicle and traffic law is
6 REPEALED.
7 § 4. Subdivision 5 of section 530 of the vehicle and traffic law, as
8 amended by section 31 of part LL of chapter 56 of the laws of 2010, is
9 amended to read as follows:
10 (5) A restricted use license or privilege shall be valid for the oper-
11 ation of any motor vehicle, except a vehicle for hire as a taxicab,
12 livery, coach, limousine, van or wheelchair accessible van or tow truck
13 as defined in this chapter subject to the conditions set forth herein,
14 which the holder would otherwise be entitled to operate had his drivers
15 license or privilege not been suspended or revoked. Notwithstanding
16 anything to the contrary in a certificate of relief from disabilities or
17 a certificate of good conduct issued pursuant to article twenty-three of
18 the correction law, a restricted use license shall not be valid for the

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

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1 operation of a commercial motor vehicle. A restricted use license shall
2 not be valid for the operation of a vehicle for hire as a taxicab,
3 livery, coach, limousine, van or wheelchair accessible van or tow truck
4 where the holder thereof had his or her drivers license suspended or
5 revoked and (i) such suspension or revocation is mandatory pursuant to
6 the provisions of subdivision two or two-a of section five hundred ten
7 of this title; or (ii) any such suspension is permissive for habitual or
8 persistent violations of this chapter or any local law relating to traf-
9 fic as set forth in paragraph d or i of subdivision three of section
10 five hundred ten of this title; or (iii) any such suspension is permis-
11 sive and has been imposed by a magistrate, justice or judge of any city,
12 town or village, any supreme court justice, any county judge, or judge
13 of a district court. [~~Except for a commercial motor vehicle as defined
14 in subdivision four of section five hundred one-a of this title, the
15 restrictions on types of vehicles which may be operated with a
16 restricted license contained in this subdivision shall not be applicable
17 to a restricted license issued to a person whose license has been
18 suspended pursuant to paragraph three of subdivision four-e of section
19 five hundred ten of this title.~~]

20 § 5. Subdivisions 5-a and 5-b of section 530 of the vehicle and traf-
21 fic law are REPEALED.

22 § 6. Subdivision 2 of section 454 of the family court act, as amended
23 by chapter 892 of the laws of 1986, paragraph (e) as added by chapter 81
24 of the laws of 1995, paragraph (f) as amended and paragraph (g) as added
25 by chapter 398 of the laws of 1997, paragraph (h) as added by chapter
26 214 of the laws of 1998, and paragraph (i) as added by chapter 592 of
27 the laws of 2011, is amended to read as follows:

28 2. Upon a finding that a respondent has failed to comply with any
29 lawful order of support:

30 (a) the court shall enter a money judgment under section four hundred
31 sixty of this article; and

32 (b) the court may make an income deduction order for support enforce-
33 ment under section fifty-two hundred forty-two of the civil practice law
34 and rules. If such income deduction order is made, suspension or revoca-
35 tion of an individual's driver's license for non-payment of child
36 support shall be disallowed;

37 (c) the court may require the respondent to post an undertaking under
38 section four hundred seventy-one of this article;

39 (d) the court may make an order of sequestration under section four
40 hundred fifty-seven of this article.

41 (e) [~~the court may suspend the respondent's driving privileges pursu-~~
42 ~~ant to section four hundred fifty eight-a of this article.~~

43 ~~(f)~~] the court may suspend the respondent's state professional or
44 business license pursuant to section four hundred [~~fifty-eight-b~~]
45 fifty-eight-a of this article;

46 [~~(g)~~] (f) the court may suspend the recreational license or licenses
47 of the respondent pursuant to section four hundred [~~fifty-eight-e~~]
48 fifty-eight-b of this article.

49 [~~(h)~~] (g) the court may require the respondent, if the persons for
50 whom the respondent has failed to pay support are applicants for or
51 recipients of public assistance, to participate in work activities as
52 defined in title nine-B of article five of the social services law.
53 Those respondents ordered to participate in work activities need not be
54 applicants for or recipients of public assistance.

55 [~~(i)~~] (h) except as otherwise provided in paragraph [~~(h)~~] (g) of this
56 subdivision, the court may require the respondent to participate in job

1 training, employment counseling or other programs designed to lead to
2 employment if authorized pursuant to section four hundred thirty-seven-a
3 of this article provided such programs are available.

4 § 7. Section 458-a of the family court act is REPEALED.

5 § 8. Section 458-b of the family court act is renumbered section
6 458-a.

7 § 9. Section 458-c of the family court act is renumbered section
8 458-b.

9 § 10. Subdivision (f) of section 115 of the family court act, as
10 amended by chapter 398 of the laws of 1997, is amended to read as
11 follows:

12 (f) The family court has jurisdiction to direct the commencement of
13 proceedings to suspend the driving privileges, recreational licenses and
14 permits, and license, permit, registration or authority to practice of
15 persons who are delinquent in their child or combined child and spousal
16 support obligations or persons who have failed, after receiving appro-
17 priate notice, to comply with summonses, subpoenas or warrants relating
18 to paternity and child support proceedings as set forth in sections four
19 hundred fifty-eight-a, four hundred fifty-eight-b, [~~four hundred fifty-~~
20 ~~eight-c, five hundred forty eight-a,~~] five hundred forty-eight-b, and
21 five forty-eight-c of this act. Such jurisdiction shall include juris-
22 diction over all boards, departments, authorities or offices of the
23 state for the purposes of implementing such section.

24 § 11. Subdivision 5 of section 454 of the family court act is
25 REPEALED.

26 § 12. Section 244-b of the domestic relations law is REPEALED.

27 § 13. Subdivision 12 of section 111-b of the social services law is
28 REPEALED.

29 § 14. Subdivision 7 of section 336 of the social services law, as
30 amended by chapter 214 of the laws of 1998, is amended to read as
31 follows:

32 7. In accordance with the provisions of paragraph [~~(h)~~] (g) of subdi-
33 vision two of section four hundred fifty-four of the family court act or
34 as otherwise required by the court, the court may assign to work activ-
35 ities the non-custodial parents of children receiving public assistance
36 and require a report to such court of any failure of said parent to
37 comply with the requirements of such program.

38 § 15. Section 171-v of the tax law is REPEALED.

39 § 16. Paragraph (a) of subdivision 4 of section 119 of the alcoholic
40 beverage control law, as amended by chapter 398 of the laws of 1997, is
41 amended to read as follows:

42 (a) The provisions of this subdivision shall apply in all cases of
43 licensee or permittee failure after receiving appropriate notice, to
44 comply with a summons, subpoena or warrant relating to a paternity or
45 child support proceeding and arrears in payment of child support or
46 combined child and spousal support referred to the authority by a court
47 pursuant to the requirements of section two hundred forty-four-c of the
48 domestic relations law or pursuant to section four hundred
49 [~~fifty-eight-b~~] fifty-eight-a or five hundred forty-eight-b of the fami-
50 ly court act.

51 § 17. Subdivision 1 of section 6509-b of the education law, as added
52 by chapter 81 of the laws of 1995, is amended to read as follows:

53 1. The provisions of this section shall apply in all cases of licensee
54 or registrant arrears in payment of child support or combined child and
55 spousal support referred to the board of regents by a court pursuant to
56 the requirements of section two hundred forty-four-c of the domestic

1 relations law or pursuant to section four hundred [~~fifty-eight-b~~]
2 fifty-eight-a of the family court act.

3 § 18. Subdivision 1 of section 6509-c of the education law, as added
4 by chapter 398 of the laws of 1997, is amended to read as follows:

5 1. The provisions of this section shall apply in all cases of licen-
6 see or registrant failure after receiving appropriate notice, to comply
7 with a summons, subpoena or warrant relating to a paternity or child
8 support proceeding referred to the board of regents by a court pursuant
9 to the requirements of section two hundred forty-four-c of the domestic
10 relations law or pursuant to section four hundred [~~fifty-eight-b~~]
11 fifty-eight-a or five hundred forty-eight-b of the family court act.

12 § 19. Paragraph a of subdivision 2-a of section 90 of the judiciary
13 law, as amended by chapter 398 of the laws of 1997, is amended to read
14 as follows:

15 a. The provisions of this subdivision shall apply in all cases of an
16 attorney licensed, registered or admitted to practice in this state who
17 has failed after receiving appropriate notice, to comply with a summons,
18 subpoena or warrant relating to a paternity or child support proceeding
19 involving him or her personally, or who is in arrears in payment of
20 child support or combined child and spousal support which matter shall
21 be referred to the appropriate appellate division by a court pursuant to
22 the requirements of section two hundred forty-four-c of the domestic
23 relations law or pursuant to section four hundred [~~fifty-eight-b~~]
24 fifty-eight-a or five hundred forty-eight-b of the family court act.

25 § 20. Subparagraph (i) of paragraph (b) of subdivision 1 of section
26 441-c of the real property law, as amended by chapter 398 of the laws of
27 1997, is amended to read as follows:

28 (i) The provisions of this paragraph shall apply in all cases of
29 licensed broker or licensed salesman who have failed, after receiving
30 appropriate notice, to comply with a summons, subpoena or warrant relat-
31 ing to a paternity or child support proceeding or is in arrears in
32 payment of child support or combined child and spousal support referred
33 to the department by a court pursuant to the requirements of section two
34 hundred forty-four-c of the domestic relations law or pursuant to
35 section four hundred [~~fifty-eight-b~~] fifty-eight-a or five hundred
36 forty-eight-b of the family court act.

37 § 21. Section 548-a of the family court act is REPEALED.

38 § 22. This act shall take effect immediately, provided, however, that
39 the amendments to subdivision 5 of section 530 of the vehicle and traf-
40 fic law made by section four of this act shall not affect the expiration
41 of such subdivision and shall be deemed to expire therewith.