

BY: M. of A. Magnarelli

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY
opposing the enactment of a state law, pursuant to a
federal mandate, to require the suspension or
revocation of the driver's license of any individual
convicted of any violation of the federal Controlled
Substances Act or another drug law, regardless of
whether the offense is related to the operation of a
motor vehicle

WHEREAS, Pursuant to 23 U.S.C. § 159(a)(3), the United States Secretary of Transportation is required to withhold eight percent of a state's highway-related funds unless that state either enacts and enforces a law requiring a six-month suspension or revocation of the driver's license of any individual convicted of any violation of the federal Controlled Substances Act or other drug law, or passes a resolution expressing opposition to the enactment of such a law; and

WHEREAS, After careful examination of this mandate, this Legislative Body hereby determines that the law requiring the suspension or revocation of the driver's license of an individual based on a drug offense regardless of whether the offense is related to the operation of a motor vehicle represents an unnecessary use of state department of motor vehicle resources for a result not tied to ensuring the safety of New York roads and highways; and

WHEREAS, The granting or withholding of driving privileges is and has always been a prerogative of the states to decide for themselves, and the state of New York has already enacted sufficient laws to suspend or revoke driving privileges for drug-related activity conducted while operating a motor vehicle and has already enacted sufficient laws to prohibit and punish illegal drug activity; and

WHEREAS, Suspension or revocation of driving privileges for drug crimes unrelated to the operation of a motor vehicle constitutes an undue barrier to the ability of individuals convicted of such crimes to find and maintain employment and take part in the activities of daily living; and

WHEREAS, Forty states have adopted similar resolutions expressing their opposition to enacting a law requiring the suspension, revocation, issuance or reinstatement of any individual's driving license for conviction of drug laws regardless of whether the offense is related to the operation of a motor vehicle; now, therefore, be it

RESOLVED, (if the concur), That we, the members of the New York state Senate and Assembly, in adopting this resolution, declare our opposition to a law described in 23 U.S.C. § 159(a)(3)(A) that requires the revocation, suspension, or delay in issuance or reinstatement of drivers' licenses to convicted drug offenders regardless of whether the offense is related to the operation of a motor vehicle; and be it

further

RESOLVED, (if the concur), That we, the members of the New York state Senate and Assembly, in adopting this resolution, urge Governor Andrew M. Cuomo to submit written certification to the United States Department of Transportation expressing his opposition to the enactment and enforcement of such law described in 23 U.S.C. § 159(a)(3)(A) along with a written certification that this Legislative Body has adopted this resolution; and be it further

RESOLVED, (if the concur), That the secretary of the Senate and the clerk of the Assembly shall each transmit duly authenticated copies of this resolution to Governor Andrew M. Cuomo, the members of the New York congressional delegation, and the secretary of the United States Department of Transportation.