STATE OF NEW YORK

3893

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. DeSTEFANO, B. MILLER, McDONOUGH, MORINELLO, SALKA, REILLY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to criminal history background check of transportation network company drivers

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

Section 1. Paragraphs (b) and (c) of subdivision 2 of section 1699 of the vehicle and traffic law, paragraph (b) as amended by chapter 60 of the laws of 2017 and paragraph (c) as added by section 2 of part AAA of chapter 59 of the laws of 2017, are amended to read as follows:

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

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

(ii) stands convicted in the last seven years of: a felony offense defined in article one hundred twenty-five of the penal law, a violent felony offense defined in section 70.02 of the penal law, a class A felony offense defined in the penal law, a felony offense defined in

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

LBD08100-01-1

section eleven hundred ninety-two of this chapter, or any conviction of an offense in any other jurisdiction that has all the essential elements of an offense listed in this subparagraph. In calculating the seven year period under this subparagraph, any period of time during which the person was incarcerated after the commission of such offense shall be excluded and such seven year period shall be extended by a period or periods equal to the time spent incarcerated; or

(iii) **stands convicted of a sex offense defined in subdivision two of section one hundred sixty-eight-a of the correction law or any other offense for which the person** is required to register as a sex offender pursuant to article six-C of the correction law **for the duration of time for which they are required to register as a sex offender pursuant to such article**.

(c) A criminal history record that contains criminal conviction information that does not disqualify an applicant pursuant to subparagraphs (i) [~~or~~], (ii) **or (iii)** of paragraph (b) of this subdivision, shall be reviewed and considered according to the provisions of article twenty-three-A of the correction law and subdivisions fifteen and sixteen of section two hundred ninety-six of the executive law in determining whether or not the applicant should be issued a TNC driver's permit.

§ 2. Subdivision 1 of section 1696 of the vehicle and traffic law is amended by adding a new paragraph (g) to read as follows:

(g) Notwithstanding any provision of law to the contrary, the department of criminal justice services shall permit a TNC, or a third party on behalf of a TNC, that is subject to the provisions of this section to access the New York state sex offender registry by electronic means.

§ 3. This act shall take effect on the ninetieth 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 are authorized to be made and completed on or before such effective date.