STATE OF NEW YORK

3643

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. HUNTER, COOK, 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:

Section 1. Subdivision 4-e of section 510 of the vehicle and traffic law is REPEALED.

§ 2. Subdivision 4-f of section 510 of the vehicle and traffic law is REPEALED.

§ 3. Subdivision 7 of section 511 of the vehicle and traffic law is REPEALED.

§ 4. Subdivision 5 of section 530 of the vehicle and traffic law, as amended by section 31 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

(5) A restricted use license or privilege shall be valid for the operation of any motor vehicle, except a vehicle for hire as a taxicab, livery, coach, limousine, van or wheelchair accessible van or tow truck as defined in this chapter subject to the conditions set forth herein, which the holder would otherwise be entitled to operate had his drivers license or privilege not been suspended or revoked. Notwithstanding anything to the contrary in a certificate of relief from disabilities or a certificate of good conduct issued pursuant to article twenty-three of the correction law, a restricted use license shall not be valid for the operation of a commercial motor vehicle. A restricted use license shall

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

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

§ 5. Subdivisions 5-a and 5-b of section 530 of the vehicle and traffic law are REPEALED.

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

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

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

(b) the court may make an income deduction order for support enforcement under section fifty-two hundred forty-two of the civil practice law and rules**. If such income deduction order is made, suspension or revocation of an individual's driver's license for non-payment of child support shall be disallowed**;

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

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

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

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

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

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

[~~(i)~~] **(h)** except as otherwise provided in paragraph [~~(h)~~] **(g)** of this subdivision, the court may require the respondent to participate in job training, employment counseling or other programs designed to lead to

employment if authorized pursuant to section four hundred thirty-seven-a of this article provided such programs are available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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