

STATE OF NEW YORK

7495

2021-2022 Regular Sessions

IN SENATE

October 29, 2021

Introduced by Sen. MATTERA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to disallowing suspension or revocation of a domestic violence victim's driver's license or registration for non-payment or lapse of insurance coverage

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

1 Section 1. Section 318 of the vehicle and traffic law is amended by
2 adding a new subdivision 16 to read as follows:

3 16. (a) Subject to the provisions of paragraph (b) of this subdivi-
4 sion, no revocation or suspension order shall be issued pursuant to this
5 section, or if such revocation or suspension order has been issued, it
6 shall be terminated upon a proper showing of current effective financial
7 security, if the commissioner shall determine that the person involved
8 is a victim of domestic violence and was not aware of the fact that
9 financial security was not in effect due to non-payment or lapse of
10 coverage and the failure to have such financial security in effect was
11 caused solely by the negligence or malfeasance of a person other than
12 such victim.

13 (b) The burden of proving lack of knowledge that financial security
14 was not in effect and that such failure resulted solely from the negli-
15 gence or malfeasance of another shall be upon the person seeking to
16 avoid revocation or suspension action. Such facts shall be established
17 by clear and convincing evidence, either by the submission of affida-
18 vits, a court order, or at a hearing called in the discretion of the
19 commissioner.

20 (c) A determination by the commissioner that the person seeking to
21 avoid revocation or suspension action for failure to have financial
22 security in effect as a result of being a victim of domestic violence
23 shall relieve such victim of the penalties and disabilities provided in
24 this article.

25 § 2. This act shall take effect immediately.

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

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