STATE OF NEW YORK

2645

2023-2024 Regular Sessions

IN SENATE

January 23, 2023

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

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:

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

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

(b) The burden of proving lack of knowledge that financial security was not in effect and that such failure resulted solely from the negligence or malfeasance of another shall be upon the person seeking to avoid revocation or suspension action. Such facts shall be established by clear and convincing evidence, either by the submission of affidavits, a court order, or at a hearing called in the discretion of the commissioner.

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

§ 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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