§ 510-a. Suspension and revocation of commercial driver's licenses. 1. Revocation. A commercial driver's license shall be revoked by the commissioner whenever the holder is convicted within or outside of this state (a) of a felony involving the use of a motor vehicle except a felony as described in paragraph (b) of this subdivision; (b) of a felony involving manufacturing, distributing or dispensing a drug as defined in section one hundred fourteen-a of this chapter or possession of any such drug with intent to manufacture, distribute or dispense such drug in which a motor vehicle was used; (c) of a violation of subdivision one or two of section six hundred of this chapter; (d) of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle; (e) has been convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide; or (f) the commissioner determines that the holder has made a false statement regarding information: (i) required by the federal motor carrier safety improvement act of 1999 and Subpart J of Part 383 of title 49 of the code of federal regulations relating to a commercial driver's license document in an application for a commercial driver's license; (ii) required by the federal motor carrier safety improvement act of 1999 and Part 383.71 (a) and (g) of title 49 of the code of federal regulations relating to an initial commercial driver's license or existing commercial driver's license holder's self-certification in any of the self-certifications regarding the type of driving engaged or to be engaged in by the holder or regarding the non-applicability to the holder of the physical qualification requirements of the federal motor carrier safety improvement act of 1999 and Part 391 of title 49 of the code of federal regulations relating to qualifications of drivers; or (iii) required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to commercial driver's license requirements in any medical certificate.

2. Duration of revocation. (a) Except as otherwise provided in

paragraph (b) of this subdivision, where revocation of a commercial driver's license is mandatory pursuant to paragraph (a), (c), (d), (e) or (f) of subdivision one of this section no new commercial driver's license shall be issued for at least one year nor thereafter except in the discretion of the commissioner, except that for revocations pursuant to paragraph (a), (c), (d) or (e) of subdivision one of this section, if such person has previously been found to have refused a chemical test pursuant to section eleven hundred ninety-four of this chapter or has a prior conviction of any of the following offenses: any violation of section eleven hundred ninety-two of this chapter, any violation of subdivision one or two of section six hundred of this chapter, or any felony involving the use of a motor vehicle pursuant to paragraph (a) of subdivision one of this section, or has been convicted of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle, or has been convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide, then such commercial driver's license revocation shall be permanent.

(b) Where revocation is mandatory pursuant to paragraph (a), (c), (d) or (e) of subdivision one of this section and the commercial motor vehicle was transporting hazardous materials, no new commercial driver's license shall be issued for at least three years nor thereafter except in the discretion of the commissioner, except that if such person has previously been found to have refused a chemical test pursuant to section eleven hundred ninety-four of this chapter or has a prior conviction of any of the following offenses: any violation of section eleven hundred ninety-two of this chapter, any violation of subdivision one or two of section six hundred of this chapter, or any felony involving the use of a motor vehicle pursuant to paragraph (a) of subdivision one of this section, or been convicted of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle, or has been

convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide, then such commercial driver's license revocation shall be permanent.

(c) The permanent commercial driver's license revocation required by paragraphs (a) and (b) of this subdivision may be waived by the commissioner after a period of ten years has expired from such sentence provided:

(i) that during such ten year period such person has not been found to have refused a chemical test pursuant to section eleven hundred ninety-four of this chapter and has not been convicted of any one of the following offenses: any violation of section eleven hundred ninety-two of this chapter, any violation of subdivision one or two of section six hundred of this chapter, or any felony involving the use of a motor vehicle pursuant to paragraph (a) of subdivision one of this section, or has been convicted of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle; or has been convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide;

(ii) if any of the grounds upon which the permanent commercial driver's license revocation is based involved a finding of refusal to submit to a chemical test pursuant to section eleven hundred ninety-four of this chapter or a conviction of a violation of any subdivision of section eleven hundred ninety-two of this chapter, that such person provides acceptable documentation to the commissioner that such person has enrolled in and successfully completed an appropriate rehabilitation program; and

(iii) after such documentation, if required, is accepted, that such person is granted a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law by the court in which such person was last penalized.

(d) Upon a third finding of refusal and/or conviction of any of the offenses which require a permanent commercial driver's license

revocation, such permanent revocation may not be waived by the commissioner under any circumstances.

(e) Where revocation is mandatory pursuant to paragraph (b) of subdivision one of this section such revocation shall be permanent and may not be waived by the commissioner under any circumstances.

3. Suspension. (a) A commercial driver's license shall be suspended by the commissioner for a period of sixty days where the holder is convicted of two serious traffic violations as defined in subdivision four of this section committed within a three year period, in separate incidents whether such convictions occurred within or outside of this state.

(b) A commercial driver's license shall be suspended by the commissioner for a period of one hundred twenty days where the holder is convicted of three serious traffic violations as defined in subdivision four of this section committed within a three year period, in separate incidents whether such convictions occurred within or outside of this state.

(c) A commercial drivers license shall be suspended by the commissioner for a period of sixty days where the holder is convicted of a violation of subdivision (g) of section eleven hundred eighty of this chapter, and (i) the recorded or entered speed upon which the conviction was based exceeded the applicable speed limit by more than twenty miles per hour or (ii) the recorded or entered speed upon which the conviction was based exceeded the applicable speed limit by more than ten miles per hour and the vehicle was either (A) in violation of any rules or regulations involving an out-of-service defect relating to brake systems, steering components and/or coupling devices, or (B) transporting flammable gas, radioactive materials or explosives.

(d) A commercial driver's license shall be suspended by the commissioner:

(i) for a period of one hundred eighty days where the holder was found to have operated a commercial motor vehicle designed or used to transport property as defined in subparagraphs (i) and (ii) of paragraph (a) of subdivision four of section five hundred one-a of this title, in violation of an out-of-service order as provided for in the rules and regulations of the department of transportation whether such violation

was committed within this state or was the same or a similar violation involving an out-of-service order committed outside of this state;

(ii) for a period of two years if, during any ten-year period, the holder is found to have committed two such violations not arising from the same incident whether such violations were committed within or outside of the state;

(iii) for a period of three years if, during any ten-year period, the holder is convicted of three or more such violations not arising from the same incident whether such violations were committed within or outside of the state;

(iv) for a period of one hundred eighty days if the holder is found to have operated a commercial motor vehicle designed or used to transport passengers or property as defined in subparagraphs (iii) and (v) of paragraph (a) of subdivision four of section five hundred one-a of this title, in violation of an out-of-service order, as provided for in the rules and regulations of the department of transportation, while transporting hazardous materials or passengers whether such violation was committed within this state or was the same or a similar violation committed outside of this state;

(v) for a period of three years if, during any ten-year period, the holder is found to have committed two or more violations, not arising from the same incident, of operating a commercial motor vehicle designed or used to transport passengers or property as defined in subparagraphs (iii) and (v) of paragraph (a) of subdivision four of section five hundred one-a of this title, in violation of an out-of-service order, as provided for in the rules and regulations of the department of transportation, while transporting hazardous materials or passengers whether such violation was committed within this state or was the same or a similar violation involving an out-of-service order committed outside of this state.

(e) A commercial driver's license shall be suspended by the commissioner:

(i) for a period of sixty days where the holder is convicted of a violation of section eleven hundred seventy-one or section eleven hundred seventy-six of this chapter whether such violation was committed within this state or was the same or a similar violation involving railroad grade crossings committed outside of this state.

(ii) for a period of one hundred twenty days where the holder is convicted of a second violation of section eleven hundred seventy-one or section eleven hundred seventy-six of this chapter whether such violations were committed within or outside of this state, both of which were committed within a three year period.

(iii) for a period of one year where the holder is convicted of a third violation of section eleven hundred seventy-one or section eleven hundred seventy-six of this chapter whether such violations were committed within or outside of this state, all of which were committed within a three year period.

4. Serious traffic violations. (a) A serious traffic violation shall mean operating a commercial motor vehicle in violation of any provision of this chapter or the laws or ordinances of any other state or locality outside of this state that restricts or prohibits the use of a hand-held mobile telephone or a portable electronic device while operating a commercial motor vehicle or in violation of any provision of this chapter or the laws of any other state, the District of Columbia or any Canadian province which (i) limits the speed of motor vehicles, provided the violation involved fifteen or more miles per hour over the established speed limit; (ii) is defined as reckless driving by state or local law or regulation; (iii) prohibits improper or erratic lane change; (iv) prohibits following too closely; (v) relates to motor vehicle traffic (other than parking, standing or stopping) and which arises in connection with a fatal accident; (vi) operating a commercial motor vehicle without first obtaining a commercial driver's license as required by section five hundred one of this title; (vii) operating a commercial motor vehicle without a commercial driver's license in the driver's possession; or (viii) operating a commercial motor vehicle without the proper class of commercial driver's license and/or endorsement for the specific vehicle being operated or for the passengers or type of cargo being transported.

(b) Whether any specific violation which occurs without this state is a serious violation shall be dependent upon whether the state or province in which the violation occurs, reports such violation to the commissioner as, or deems it to be, a serious traffic violation under the provisions of the federal commercial motor vehicle safety act of

nineteen hundred eighty-six, public law 99-570, title XII or the motor carrier safety improvement act of 1999, public law 106-159 and regulations promulgated thereunder.

4-a. Dismissal. The court shall dismiss any charge of operating a commercial motor vehicle without a commercial driver's license in the driver's possession if, between the date the driver is charged with such violation and the appearance date for such violation, the driver supplies the court with proof that he or she held a valid commercial driver's license on the date of such violation. Such driver must also supply such proof to the law enforcement authority that issued the citation, prior to such driver's appearance in court.

5. Limitation of effect of revocation or suspension. Any revocation or suspension of a commercial driver's license issued pursuant to this section shall be applicable only to that portion of the holder's driver's license or privilege which permits the operation of commercial motor vehicles, and the commissioner shall immediately issue a license, other than a commercial driver's license, to such person, provided that such person is otherwise eligible to receive such license and further provided that issuing a license to such person does not create a substantial traffic safety hazard.

6. Application of section to persons not holding a commercial driver's license. Whenever a person who is not the holder of a commercial driver's license issued by the commissioner is convicted of a violation arising out of the operation of a commercial motor vehicle which would require the mandatory revocation or suspension of a commercial driver's license pursuant to this section or clause (i) or (ii) of subparagraph five of paragraph (b) or clause b of subparagraph three of paragraph (e) of subdivision two of section eleven hundred ninety-three, or clause c of subparagraph one of paragraph (d) of subdivision two of section eleven hundred ninety-four of this chapter, the privilege of such person to operate a commercial motor vehicle and/or to obtain a commercial driver's license issued by the commissioner will be suspended or revoked for the same periods of time and subject to the same conditions provided in this section, or clause (i) or (ii) of subparagraph five of paragraph

(b) or clause b of subparagraph three of paragraph (e) of subdivision two of section eleven hundred ninety-three, or clause c of subparagraph one of paragraph (d) of subdivision two of section eleven hundred ninety-four of this chapter, which would be applicable to the holder of a commercial driver's license.

7. Other revocation or suspension action not prohibited. The provisions of this section shall not be construed to prevent any person who has the authority to suspend or revoke a license to drive or privilege of operating pursuant to section five hundred ten of this chapter from exercising any such authority based upon a conviction for which suspension or revocation of a commercial driver's license by the commissioner is mandated.

8. Disqualifications based upon record review. (a) Where the commissioner conducts a state record review pursuant to section 384.206 of title 49 of the code of federal regulations and he or she determines that: (i) a person applying for a commercial driver's license was convicted outside of this state of an offense set forth in section 383.51 of title 49 of the code of federal regulations while holding a commercial driver's license issued by another state; and (ii) such other state failed to impose the commercial driver's license disqualification, suspension or revocation set forth in section 383.51 of title 49 of the code of federal regulations for such offense, then the commissioner shall immediately suspend such person's commercial driver's license or privilege of operating a commercial motor vehicle. Provided, however, that where such licenses would have been subject to revocation upon a conviction for such conduct had it occurred in this state, the commissioner shall revoke such license. Such suspension or revocation shall be for the applicable period of time set forth for a conviction for such offense in such section 383.51 as it existed on the date of the violation.

(b) Any suspension or revocation of a commercial driver's license issued pursuant to paragraph (a) of this subdivision shall be applicable only to that portion of the holder's driver's license or privilege which permits the operation of commercial motor vehicles, and the commissioner shall immediately issue a license, other than a commercial driver's

license, to such person provided that such person is otherwise eligible to receive such license and further provided that issuing a license to such person does not create a substantial traffic safety hazard.

9. Application of disqualifications to holders of a commercial learner's permit. Notwithstanding any other provision of law, any provision of this chapter relating to the revocation, suspension, downgrading, disqualification or cancellation of a commercial driver's license shall apply in the same manner to a commercial learner's permit.

10. Consecutive disqualification periods. Notwithstanding any other provision of law, whenever a suspension, revocation or disqualification applicable to a commercial driver's license or commercial learner's permit is required by Part 383.51 of title 49 of the code of federal regulations and thereby imposed pursuant to this section or paragraph b or c of subdivision six of section five hundred ten or section eleven hundred ninety-three or eleven hundred ninety-four of this chapter, such suspension, revocation or disqualification shall take effect upon the expiration of the minimum period of a suspension, revocation or disqualification required by Part 383.51 of title 49 of the code of federal regulations and thereby imposed pursuant to this section or paragraph b or c of subdivision six of section five hundred ten or section eleven hundred ninety-three or eleven hundred ninety-four of this chapter which is currently in effect for such license or permit and arose from a separate incident. Provided, however, that the term or terms of any other suspension, revocation or disqualification applicable to a commercial driver's license or commercial learner's permit shall run concurrently if: (a) such suspension, revocation or disqualification is not required by Part 383.51 of title 49 of the code of federal regulations; or (b) such suspension, revocation or disqualification arose from the same incident.