§ 530. Restricted use licenses. A person whose driving license or privilege of operating a motor vehicle in this state has been heretofore suspended or revoked pursuant to the provisions of section five hundred ten of this chapter or whose driver's license or privilege has been revoked pursuant to section three hundred eighteen of this chapter and for whom the holding of a valid license is a necessary incident to his employment, business, trade, occupation or profession, or to his travel to and from a class or course at an accredited school, college or university or at a state approved institution of vocational or technical training or enroute to and from a medical examination or treatment as part of a necessary medical treatment for such participant or member of his household, as evidenced by a written statement to that effect from a licensed medical practitioner may thereafter apply for and may be issued a restricted use license or if the holder of a license issued by another jurisdiction valid for operation in this state, a restricted use privilege of operating a motor vehicle in this state as provided herein.

(1) The issuance of a restricted use license or privilege shall be in the discretion of the commissioner of motor vehicles or his duly authorized agent, who may require the applicant to attend a driver rehabilitation program specified by the commissioner, and shall be issued only after it is established to the reasonable satisfaction of the issuing officer that a driving license or privilege is a necessary incident to the applicant's employment, business, trade, occupation or profession, or to his travel to and from a class or course at an accredited school, college or university or at a state approved institution of vocational or technical training or enroute to and from a medical examination or treatment as part of a necessary medical treatment for such participant or member of his household, as evidenced by a written statement to that effect from a licensed medical practitioner and that a denial of such license or privilege would deprive the person of his usual means of livelihood and thereby constitute an unwarranted and substantial financial hardship on the applicant and his immediate family or would seriously impair such person's ability to meet the requirements of his education.

(2) Such license or privilege shall not be issued to a person who, within the four year period immediately preceding the date of application, has been convicted within or without the state of homicide

or assault arising out of the operation of a motor vehicle, of criminally negligent homicide or criminal negligence in the operation of a motor vehicle resulting in death, or has been convicted within the state of a violation of subdivision two of section six hundred of this chapter or of reckless driving. Such license or privilege shall not be issued to a person whose license or privilege, at the time of application, is revoked pursuant to the provisions of subparagraph (x) or (xi) of paragraph a of subdivision two of section five hundred ten of this chapter. Such license or privilege shall not be issued to a person whose license or privilege is suspended or revoked because of a conviction of a violation of subdivision one, two, two-a, three, four or four-a of section eleven hundred ninety-two of this chapter or a similar offense in another jurisdiction, or whose license or privilege is revoked by the commissioner for refusal to submit to a chemical test pursuant to subdivision two of section eleven hundred ninety-four of this chapter. Such license or privilege shall not be issued to a person who within the five year period immediately preceding the date of application for such license or privilege has been convicted of a violation of subdivision one, two, two-a, three, four or four-a of section eleven hundred ninety-two of this chapter or a similar alcohol-related offense in another jurisdiction, or whose license or privilege has been revoked by the commissioner for refusal to submit to a chemical test pursuant to subdivision two of section eleven hundred ninety-four of this chapter, except that such a license or privilege may be issued to such a person if, after such conviction or revocation, such person successfully completed an alcohol and drug rehabilitation program established pursuant to article thirty-one of this chapter in conjunction with such conviction or revocation. Provided, however, that nothing herein shall be construed as prohibiting an operator from being issued a limited or conditional license or privilege pursuant to any alcohol rehabilitation program established pursuant to this chapter.

(3) Such license or privilege and renewal thereof shall be issued for a period not exceeding the period during which such person's regular driver's license or privilege has been suspended or revoked, shall be marked and identified as a restricted use license or privilege and shall be valid only: (a) during the time the holder is actually engaged in pursuing or commuting to or from his business, trade, occupation or

profession, (b) en route to and from a driver rehabilitation program or related activity specified by the commissioner at which his attendance is required, (c) to and from a class or course at an accredited school, college or university or at a state approved institution of vocational or technical training, (d) enroute to and from a medical examination or treatment as part of a necessary medical treatment for such participant or member of his household, as evidenced by a written statement to that effect from a licensed medical practitioner, or (e) enroute to and from a place, including a school, at which the child or children of the holder are cared for on a regular basis and which is necessary for the holder to maintain such holder's employment or enrollment at an accredited school, college or university or at a state approved institution of vocational or technical training and shall contain the terms and conditions under which it is issued and is valid. In the event the holder of a restricted use license or privilege is convicted of: any violation (other than parking, stopping or standing) or of operating a motor vehicle for other than his employment, business, trade, occupational or professional or other purposes for which the license or privilege was issued, or does not comply with other requirements established by the commissioner, such license or privilege may be revoked and the holder shall not be eligible to receive a license or privilege pursuant to this section for a period of five years from the date of such revocation.

(4) The fee for a restricted use license or privilege shall be seventy-five dollars to be paid upon the issuance thereof, and such fee shall not be refundable.

(4-a) Fees assessed for a restricted use license or privilege shall be paid to the commissioner for deposit in the general fund.

* (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 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.

* NB Effective until August 31, 2027

* (5) A restricted use license or privilege shall be valid for the operation of any motor vehicle, except a commercial motor vehicle or 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. A restricted use license shall 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 chapter 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 chapter; 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.

* NB Effective August 31, 2027

* (5-a) Issuance of a restricted license shall not be denied to any person whose license is suspended pursuant to paragraph three of subdivision four-e of section five hundred ten of this chapter for any reason other than such person's failure to otherwise have a valid or renewable driver's license. The issuance of a restricted license issued as a result of a suspension under subdivision four-e of section five hundred ten of this chapter shall not in any way affect a person's possible eligibility for a restricted license at some future time.

* NB Repealed August 31, 2027

(5-b) Issuance of a restricted license shall not be denied to any person whose license is suspended pursuant to subdivision four-f of section five hundred ten of this title for any reason other than such person's failure to otherwise have a valid or renewable driver's license. The restrictions on the types of vehicles which may be operated with a restricted license contained in such subdivision five of this section shall not be applicable to a restricted license issued to a person pursuant to subdivision four-f of section five hundred ten of this title. The issuance of a restricted license issued as a result of a suspension under subdivision four-f of section five hundred ten of this title shall not in any way affect a person's eligibility for a restricted license at some future time.

(6) It shall be a traffic infraction for the holder of a restricted use license or privilege to operate a motor vehicle upon a public highway for any use other than those authorized pursuant to subdivision three of this section.

(7) Subject to the limitation prescribed in subdivision four of this section, a restricted use license or privilege shall be valid until the expiration date of any unrestricted driver's license which was held by such person prior to the suspension or revocation upon which the restricted use license or privilege has been issued. Upon such expiration, the restricted use license or privilege may be renewed for the same fee for which such unrestricted license could have been renewed and such renewal fee shall be applied to the renewal, if issued by this state, or reissuance of his unrestricted driver's license when such

license is eligible for issuance.

(8) The commissioner shall establish a schedule of fees to be paid by or on behalf of each person who is required to attend a driver rehabilitation program as a condition to the issuance of a restricted use license or privilege, and he may, from time to time, modify the same. Such fees shall defray the ongoing expenses of the program. In no event shall such fee be refundable. A driver improvement program established pursuant to section five hundred twenty-three-a of this chapter may be designated by the commissioner as a driver rehabilitation program under this section if the curriculum and other requirements both for the purposes of this section and section five hundred twenty-three-a of this chapter are satisfied by such program. Where the commissioner has approved any driver improvement program conducted by local authorities as a driver rehabilitation program under this section, any fee required for attendance at such program shall be paid to the agency conducting such program.

(9) In order to effectuate the purpose of this section the commissioner shall establish and publish rules and regulations as may be necessary for the administration hereof.