

S1145 MARCELLINO No Same as

ON FILE: 01/03/18 Vehicle and Traffic Law

TITLE....Relates to the restoration of a driver's license in certain cases

01/06/17 REFERRED TO TRANSPORTATION

02/14/17 1ST REPORT CAL.217

02/28/17 2ND REPORT CAL.

03/01/17 ADVANCED TO THIRD READING

03/13/17 PASSED SENATE

03/13/17 DELIVERED TO ASSEMBLY

03/13/17 referred to transportation

01/03/18 died in assembly

01/03/18 returned to senate

01/03/18 REFERRED TO TRANSPORTATION

STATE OF NEW YORK

1145

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sen. MARCELLINO -- 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 the restoration of a driver's license in certain cases

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

1 Section 1. Section 510 of the vehicle and traffic law is amended by
2 adding a new subdivision 7-a to read as follows:

3 7-a. License restoration. (a) Notwithstanding any inconsistent
4 provision of this chapter, when a person has been convicted of a
5 violation of any subdivision of section eleven hundred ninety-two of
6 this chapter or has been adjudicated a youthful offender pursuant to a
7 violation of any subdivision of section eleven hundred ninety-two of
8 this chapter, or has been found to have operated a motor vehicle after
9 having consumed alcohol in violation of section eleven hundred ninety-
10 two-a of this chapter, and as a result is subject to a revocation or
11 suspension of a license or privilege to operate a motor vehicle in this
12 state pursuant to this section or section eleven hundred ninety-three of
13 this chapter, the commissioner shall not restore such license or privi-
14 lege unless such person has demonstrated, on forms prescribed by the
15 commissioner, that he or she has completely satisfied all of the appli-
16 cable requirements imposed pursuant to article thirty-one of this chap-
17 ter and any other applicable provision of this chapter, and has complied
18 in full with any other conditions of sentencing imposed by the court,
19 including, but not limited to, the payment in full of all fines and
20 mandatory surcharges.

21 (b) The commissioner, in consultation with the office of court admin-
22 istration, shall promulgate regulations to effectuate the provisions of
23 this subdivision and paragraph (g) of subdivision two of section eleven
24 hundred ninety-three of this chapter.

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

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1 § 2. Subdivision 2 of section 1193 of the vehicle and traffic law is
2 amended by adding a new paragraph (g) to read as follows:

3 (g) License restoration. (1) Notwithstanding any inconsistent
4 provision of this chapter, when a person has been convicted of a
5 violation of any subdivision of section eleven hundred ninety-two of
6 this chapter or has been adjudicated a youthful offender pursuant to a
7 violation of any subdivision of section eleven hundred ninety-two-a of
8 this chapter, or has been found to have operated a motor vehicle after
9 having consumed alcohol in violation of section eleven hundred ninety-
10 two-a of this chapter, and as a result is subject to a revocation or
11 suspension of a license or privilege to operate a motor vehicle in this
12 state pursuant to this section or section five hundred ten of this chap-
13 ter, the commissioner shall not restore such license or privilege unless
14 such person has demonstrated, on forms prescribed by the commissioner,
15 that he or she has completely satisfied all of the applicable require-
16 ments imposed pursuant to article thirty-one of this chapter and any
17 other applicable provision of this chapter, and has complied in full
18 with any other conditions of sentencing imposed by the court, including,
19 but not limited to, the payment in full of all fines and mandatory
20 surcharges.

21 (2) The commissioner, in consultation with the office of court admin-
22 istration, shall promulgate regulations to effectuate the provisions of
23 this subdivision and subdivision seven-a of section five hundred ten of
24 this chapter.

25 § 3. This act shall take effect immediately.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S1145

SPONSOR: MARCELLINO

TITLE OF BILL:

An act to amend the vehicle and traffic law, in relation to the restoration of a driver's license in certain cases

PURPOSE:

This legislation would clarify and mandate that, when a person has been convicted of an alcohol/drug-related driving offense resulting in a license suspension or revocation, such person's driver's license may not be restored by the Department of Motor Vehicles unless and until all conditions of the sentence upon conviction have been completed.

SUMMARY OF PROVISIONS:

This bill amends § 510 (license suspensions and revocations generally) and § 1193 (criminal and administrative penalties for alcohol-related offenses) of the Vehicle and Traffic Law (VTL), by adding mirror provisions that require that no license or privilege to operate a motor vehicle, which has been suspended or revoked for the commission of an alcohol/drug-related driving offense, may be restored unless the offender has demonstrated that he or she has complied with and completed all statutory requirements imposed under Article 31 of the VTL or by the court.

The Commissioner of Motor Vehicles, in consultation with the Office of Court Administration, will promulgate any necessary rules and develop any necessary forms to carry out the relicensing process.

JUSTIFICATION:

Over the years, the Legislature has enacted several important provisions aimed at those who commit alcohol/drug-related driving. These provisions are directed at the full range of offenders, and include such things as attendance at and completion of the drinking-driver program (§ 1196), installation and use of the ignition interlock device (§ 1198), and alcohol or drug assessment and treatment (§ 1198-a). Additionally, the sentencing court will impose the mandatory fines and surcharges as well as certain discretionary conditions, such as participation in a Victim's Impact Panel, the payment of restitution, and/or community service.

As the number and scope of these requirements and conditions have grown, it has become increasingly difficult for the DMV to determine if an applicant for relicensing has fulfilled his or her obligations imposed

as part of the sentence upon conviction. There are numerous examples of offenders who are relicensed before they have completed their conditions of sentence, making a mockery of the statutory and judicial authorities surrounding the sentence.

This measure would authorize the Commissioner of Motor Vehicles to establish the means by which offenders must demonstrate that they have completed all of the conditions of sentence imposed by law before a license can be restored.

LEGISLATIVE HISTORY:

Same as S.736 of 2015/16, Passed Senate.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect immediately.