



RAYMOND P. MARTINEZ
Commissioner

STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

“ P” 25 (2005)
“M” 15 (2005)
Albany, New York
September 30, 2005

TO: All Enforcement Agencies and Magistrates

SUBJECT: Vehicle and Traffic Law Changes Affecting Commercial Drivers

Chapter 60 of the Laws of 2005, Part E, amends various sections of the Vehicle and Traffic Law (VTL) affecting commercial driver license (CDL) holders. The changes implement federal mandates to expand and toughen the consequences for commercial drivers who violate certain provisions of the VTL and the Penal Law. The key provisions of Chapter 60, **all effective September 30, 2005**, are:

Certificates of Relief for Conditional or Restricted Use Licenses [Ref. Chap. 60, sections 15 & 19]

CDL holders will no longer be eligible for Conditional or Restricted Use licenses with commercial privileges, **even if a certificate of relief from civil disabilities is issued by a court**. DMV will not accept Certificates of Relief issued or presented on or after September 30, 2005, by CDL holders who apply for Conditional or Restricted Use licenses. This is true **even if** the traffic violation that resulted in the suspension or revocation of the license **occurred in a personal (non-commercial) motor vehicle**. (A Conditional or Restricted Use license with commercial privileges issued **prior** to September 30, 2005 shall be considered valid.) A CDL holder who is suspended for failure to pay child support will **not** be issued a Restricted Use license with commercial privileges. Also, a pre-conviction conditional license (PCCL) cannot have commercial privileges. A court may issue a hardship privilege to a CDL holder if his or her license is suspended pending prosecution; however, such hardship privilege may not be used to operate a commercial motor vehicle, as defined in VTL §501-a(4).

NOTE: A Certificate of Relief will still be acceptable, in appropriate cases, for drivers with a Class E license who drive taxis (Conditional license) or, in the case of a Restricted Use license, for drivers who operate a taxicab, livery, coach, limousine, van, wheelchair accessible van or a tow truck.

New Serious Traffic Violations [Ref. Chap. 60, section 14]

There are three new serious traffic violations related to the operation of commercial motor vehicles (CMV):

- operating a CMV without first obtaining a CDL
- operating a CMV without a CDL in the driver's possession *
- operating a CMV without the proper class of CDL and/or endorsement for the specific vehicle being operated or for the passengers or type of cargo being transported

* A court shall dismiss the charge of operating a CMV without a CDL in the driver's possession if, at any time after the driver is charged and before the court appearance date, the driver supplies both the issuing law enforcement authority and the court with proof that he or she held a valid CDL on the date of the violation.

One-Year License Revocation. The license of a CDL holder shall be revoked for a minimum of one year if the CDL holder:

- refuses to submit to a chemical test while operating **any** motor vehicle, personal or commercial;
- is convicted for leaving the scene of either a property damage or personal injury accident without reporting, while operating **any** motor vehicle, personal or commercial;
- is convicted for an alcohol or a drugged driving related offense while operating **any** motor vehicle, personal or commercial;
- is convicted for a felony committed within or outside of NYS involving the use of **any** motor vehicle, personal or commercial **; or
- is convicted for operating a CMV while his or her CDL was revoked, suspended, or canceled for prior violations, or if disqualified from operating a CMV, or if convicted for causing a fatality through negligent operation of a CMV, including, but not limited to crimes of vehicular manslaughter or criminally negligent homicide.

Permanent License Revocation. The license of a CDL holder shall be permanently revoked if the CDL holder is convicted of any of the offenses listed above, AND the CDL holder also:

- previously refused a chemical test while operating **any** motor vehicle, personal or commercial, OR
- was previously convicted for any of the following offenses while operating **any** motor vehicle, personal or commercial:
 - leaving the scene of either a property damage or personal injury accident without reporting;
 - an alcohol related offense;
 - committing a felony involving the use of **any** motor vehicle;
 - operating a CMV while his or her CDL was revoked, suspended, or canceled for prior violations, or if disqualified from operating a CMV, or if convicted for causing a fatality through negligent operation of a CMV, including, but not limited to crimes of vehicular manslaughter or criminally negligent homicide.

** REMINDER to judges in the State's superior courts: You must send, on court paperwork, the disposition of convictions of CDL drivers for felonies involving use of a motor vehicle to:

Commissioner of Motor Vehicles
Attn: TSLED
6 Empire State Plaza Room 210
Albany NY 12228

Also, the narrative description of the violation must make it clear that the felony involved a motor vehicle. For example, if a conviction is for manslaughter, and not vehicular manslaughter, the disposition must specifically state that a vehicle was involved. A copy of the applicable sections of the legislation is attached. Please share this information with your staff.

Raymond P. Martinez
Commissioner

Attachment

IMPORTANT: If you are currently on our mailing list and have internet access, you can sign up with DMV to view these memos electronically. If you work for a court, contact DMV by e-mail at TSLEDSupport@dmv.state.ny.us <<mailto:TSLEDSupport@dmv.state.ny.us>>. If you do not work for a court, contact DMV by e-mail at eSeriesMemos@dmv.state.ny.us <<mailto:eSeriesMemos@dmv.state.ny.us>>.

Ch. 60, L. of 2005
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Part D Eff. 4/12/05
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Part E Eff. 4/12/05
Bill §20 Eff. 4/1/05
Bill §§ 2, 5, 11, 12,
13, 14, 15, 16, 17,
18 & 19 Eff. 9/30/05
Part F Eff. 4/12/05

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2005-2006 Regular Sessions

SENATE - ASSEMBLY

March 27, 2005

IN SENATE -- Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- read once and referred to the Committee on Ways and Means

AN ACT to amend the transportation law, the public authorities law, the state finance law and the highway law in relation to the implementation of the rebuild and renew New York transportation bond act of 2005 (Part A); to amend the public authorities law, in relation to pension obligation bonds of the metropolitan commuter transportation authority (Part B); to authorize funding for the Consolidated Local Street and Highway Improvement Program (CHIPS) and Marchiselli programs for State fiscal year 2005-06; and to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the authorization of the state's five-year transportation plan (Part C); to amend chapter 533 of the laws of 1993, amending the vehicle and traffic law and the correction law relating to the suspension and revocation of driver's licenses upon conviction of certain drug-related offenses, in relation to eliminating repealer and reverter language; and to amend chapter 312 of the laws of 1994, amending the vehicle and traffic law relating to suspensions of licenses pending prosecution of certain alcohol-related charges, and authorizations for probationary and conditional driver's licenses, in relation to eliminating repealer and reverter language (Part D); to amend the vehicle and traffic law and chapter 81 of the laws of 1995, amending the vehicle and traffic law and other laws relating to the enforcement of support through the suspension of driving privileges, in relation to the qualifications and disqualifications of commercial driver's license holders (Part E); to amend the alcoholic beverage control law and the vehicle and traffic law, in relation to open container requirements; and to repeal subdivision 3 of section 1227 of the vehicle and traffic law relating thereto (Part F); to amend the public authorities law, in relation to the value of debt that may be issued

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

LBD10633-01-5

PART E (Applicable Sections)

19 § 12. Paragraphs b, c and subparagraph (i) of paragraph d of subdivi-
20 sion 6 of section 510 of the vehicle and traffic law, as added by chap-
21 ter 173 of the laws of 1990, are amended to read as follows:

22 b. Except as otherwise provided in paragraph c of this subdivision,
23 where revocation is mandatory pursuant to subparagraph (iii) of para-
24 graph a of subdivision two of this section [~~and the violation of subdivi-
25 sion two of section six hundred of this chapter was committed while
26 operating a commercial motor vehicle~~], no new commercial driver's
27 license shall be issued for at least one year nor thereafter except in
28 the discretion of the commissioner, except that if such person has
29 previously been found to have refused a chemical test pursuant to
30 section eleven hundred ninety-four of this chapter [~~while operating a
31 commercial motor vehicle~~] or has a prior conviction of any of the
32 following offenses [~~while operating a commercial motor vehicle~~]: any
33 violation of section eleven hundred ninety-two of this chapter; any
34 violation of subdivision one or two of section six hundred of this chap-
35 ter; or has a prior conviction of any felony involving the use of a
36 [~~commercial~~] motor vehicle pursuant to paragraph (a) of subdivision one
37 of section five hundred ten-a of this article, then such commercial
38 driver's license revocation shall be permanent.

39 c. Where revocation is mandatory pursuant to subdivision one of
40 section five hundred ten-a of this chapter or subparagraph (iii) of
41 paragraph a of subdivision two of this section and the violation of
42 subdivision two of section six hundred of this chapter was committed
43 while operating a commercial motor vehicle transporting hazardous mate-
44 rials, no new commercial driver's license shall be issued for at least
45 three years nor thereafter except in the discretion of the commissioner,
46 except that if such person has previously been found to have refused a
47 chemical test pursuant to section eleven hundred ninety-four of this
48 chapter [~~while operating a commercial motor vehicle~~] or has a prior
49 conviction of any of the following offenses [~~while operating a commer-
50 cial motor vehicle~~]: any violation of section eleven hundred ninety-two
51 of this chapter; any violation of subdivision one or two of section six
52 hundred of this chapter; or has a prior conviction of any felony involv-
53 ing the use of a [~~commercial~~] motor vehicle pursuant to paragraph (a) of
54 subdivision one of section five hundred ten-a of this article, then such
55 commercial driver's license revocation shall be permanent.

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1 (i) that during such ten year period such person has not been found to
2 have refused a chemical test pursuant to section eleven hundred ninety-
3 four of this chapter [~~while operating a commercial motor vehicle~~] and
4 has not been convicted of any one of the following offenses [~~while oper-
5 ating a commercial motor vehicle~~]: any violation of section eleven
6 hundred ninety-two of this chapter; any violation of subdivision one or
7 two of section six hundred of this chapter; or has a prior conviction of
8 any felony involving the use of a [~~commercial~~] motor vehicle pursuant to
9 paragraph (a) of subdivision one of section five hundred ten-a of this
10 article;

11 § 13. Subdivisions 1 and 2 of section 510-a of the vehicle and traffic
12 law, as added by chapter 173 of the laws of 1990, are amended to read as
13 follows:

14 1. Revocation. A commercial driver's license shall be revoked by the
15 commissioner whenever the holder is convicted within or outside of this
16 state (a) of a felony involving the use of a [~~commercial~~] motor vehicle
17 [~~as defined in section five hundred one-a of this chapter~~] except a
18 felony as described in paragraph (b) of this subdivision; (b) of a felo-
19 ny involving manufacturing, distributing or dispensing a drug as defined
20 in section one hundred fourteen-a of this chapter or possession of any

21 such drug with intent to manufacture, distribute or dispense such drug
22 in which a [~~commercial~~] motor vehicle was used[-]; (c) of a violation of
23 subdivision one or two of section six hundred of this chapter; d)of
24 operating a commercial motor vehicle when, as a result of prior
25 violations committed while operating a commercial motor vehicle, the
26 driver's commercial driver's license is revoked, suspended, or canceled,
27 or the driver is disqualified from operating a commercial motor vehicle;
28 (e) or has been convicted of causing a fatality through the negligent
29 operation of a commercial motor vehicle, including but not limited to
30 the crimes of vehicular manslaughter or criminally negligent homicide.

31 2. Duration of revocation. (a) Except as otherwise provided in para-
32 graph (b) of this subdivision, where revocation of a commercial driver's
33 license is mandatory pursuant to paragraph (a) of subdivision one of
34 this section no new commercial driver's license shall be issued for at
35 least one year nor thereafter except in the discretion of the commis-
36 sioner, except that if such person has previously been found to have
37 refused a chemical test pursuant to section eleven hundred ninety-four
38 of this chapter[~~while operating a commercial motor vehicle~~]or has a
39 prior conviction of any of the following offenses [~~while operating a~~
40 ~~commercial motor vehicle~~]: any violation of section eleven hundred nine
41 ty-two of this chapter, any violation of subdivision one or two of
42 section six hundred of this chapter, or any felony involving the use of
43 a [~~commercial~~] motor vehicle pursuant to paragraph (a) of subdivision
44 one of this section, or has been convicted of operating a commercial
45 motor vehicle when, as a result of prior violations committed while
46 operating a commercial motor vehicle, the driver's commercial driver's
47 license is revoked, suspended, or canceled, or the driver is disquali-
48 fied from operating a commercial motor vehicle, or has been convicted of
49 causing a fatality through the negligent operation of a commercial motor
50 vehicle, including but not limited to the crimes of vehicular
51 manslaughter or criminally negligent homicide, then such commercial
52 driver's license revocation shall be permanent.

53 (b) Where revocation is mandatory pursuant to paragraph (a) of subdi-
54 vision one of this section and the commercial motor vehicle was trans-
55 porting hazardous materials, no new commercial driver's license shall be
56 issued for at least three years nor thereafter except in the discretion

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1 of the commissioner,except that if such person has previously been
2 found to have refused a chemical test pursuant to section eleven hundred
3 ninety-four of this chapter [~~while operating a commercial motor vehicle~~]
4 or has a prior conviction of any of the following offenses [~~whil oper-~~
5 ~~ating a commercial motor vehicle~~]: any violation of section-eleven
6 hundred ninety-two of this chapter,any violation of subdivision one or
7 two of section six hundred of this chapter,or any felony involving the
8 use of a [~~commercial~~] motor vehicle pursuant to paragraph(a)of subdi-
9 vision one of this section,or been convicted of operating a commercial
10 motor vehicle when, as a result of prior violations committed while
11 operating a commercial motor vehicle the driver's commercial driver's
12 license is revoked,suspended,or canceled, or the driver is disquali
13 fied from operating a commercial motor vehicle,or has been convicted of
14 causing a fatality through the negligent operation of a commercial motor
15 vehicle, including but not limited to the crimes of vehicular
16 manslaughter or criminally negligent homicide, then such commercial
17 driver's license revocation shall be permanent.

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

22 (i) that during such ten year period such person has not been found to
23 have refused a chemical test pursuant to section eleven hundred ninety-

24 four of this chapter [~~while operating a commercial motor vehicle~~] and
25 has not been convicted of any one of the following offenses [~~while oper-~~
26 ~~ating a commercial motor vehicle~~]: any violation of section eleven
27 hundred ninety-two of this chapter, any violation of subdivision one or
28 two of section six hundred of this chapter, or any felony involving the
29 use of a [~~commercial~~] motor vehicle pursuant to paragraph (a) of subdi-
30 vision one of this section, or has been convicted of operating a commer-
31 cial motor vehicle when, as a result of prior violations committed while
32 operating a commercial motor vehicle, the driver's commercial driver's
33 license is revoked, suspended, or canceled, or the driver is disquali-
34 fied from operating a commercial motor vehicle; or has been convicted of
35 causing a fatality through the negligent operation of a commercial motor
36 vehicle, including but not limited to the crimes of vehicular
37 manslaughter or criminally negligent homicide;

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

46 (iii) after such documentation, if required, is accepted, that such
47 person is granted a certificate of relief from disabilities as provided
48 for in section seven hundred one of the correction law by the court in
49 which such person was last penalized.

50 (d) Upon a third finding of refusal and/or conviction of any of the
51 offenses which require a permanent commercial driver's license revoca-
52 tion, such permanent revocation may not be waived by the commissioner
53 under any circumstances.

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

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1 § 14. Subdivision 4 of section 510-a of the vehicle and traffic law,
2 as added by chapter 173 of the laws of 1990, is amended and a new subdi-
3 vision 4-a is added to read as follows:

4 4. Serious traffic violations. (a) A serious traffic violation shall
5 mean operating a commercial motor vehicle in violation of any provision
6 of this chapter or the laws of any other state, the District of Columbia
7 or any Canadian province which (i) limits the speed of motor vehicles,
8 provided the violation involved fifteen or more miles per hour over the
9 established speed limit; (ii) is defined as reckless driving by state or
10 local law or regulation; (iii) prohibits improper or erratic lane
11 change; (iv) prohibits following too closely; [~~or~~] (v) relates to motor
12 vehicle traffic (other than parking, standing or stopping) and which
13 arises in connection with a fatal accident; (vi) operating a commercial
14 motor vehicle without first obtaining a commercial driver's license as
15 required by section five hundred one of this title; (vii) operating a
16 commercial motor vehicle without a commercial driver's license in the
17 driver's possession; or (viii) operating a commercial motor vehicle
18 without the proper class of commercial driver's license and/or endorse-
19 ment for the specific vehicle being operated or for the passengers or
20 type of cargo being transported.

21 (b) Whether any specific violation which occurs without this state is
22 a serious violation shall be dependent upon whether the state or prov-
23 ince in which the violation occurs, reports such violation to the
24 commissioner as, or deems it to be, a serious traffic violation under
25 the provisions of the federal commercial motor vehicle safety act of
26 nineteen hundred eighty-six, public law 99-570, title XII or the motor

27 carrier safety improvement act of 1999, public law 106-159 and regu-
28 lations promulgated thereunder.

29 4-a. Dismissal. The court shall dismiss any charge of operating a
30 commercial motor vehicle without a commercial driver's license in the
31 driver's possession if, between the date the driver is charged with such
32 violation and the appearance date for such violation, the driver
33 supplies the court with proof that he or she held a valid commercial
34 driver's license on the date of such violation. Such driver must also
35 supply such proof to the law enforcement authority that issued the cita-
36 tion, prior to such driver's appearance in court.

37 § 15. Subdivision 5 of section 530 of the vehicle and traffic law, as
38 amended by chapter 81 of the laws of 1995, is amended to read as
39 follows:

40 (5) A restricted use license or privilege shall be valid for the oper-
41 ation of any motor vehicle, except [~~a commercial motor vehicle or~~] a
42 vehicle for hire as a taxicab, livery, coach, limousine, van or wheel-
43 chair accessible van or tow truck as defined in this chapter subject to
44 the conditions set forth herein, which the holder would otherwise be
45 entitled to operate had his drivers license or privilege not been
46 suspended or revoked. Notwithstanding anything to the contrary in a
47 certificate of relief from disabilities issued pursuant to article twen-
48 ty-three of the correction law, a restricted use license shall not be
49 valid for the operation of a commercial motor vehicle. A restricted use
50 license shall not be valid for the operation of a vehicle for hire as a
51 taxicab, livery, coach, limousine, van or wheelchair accessible van or
52 tow truck where the holder thereof had his or her drivers license
53 suspended or revoked and (i) such suspension or revocation is mandatory
54 pursuant to the provisions of subdivision two or two-a of section five
55 hundred ten of this [~~chapter~~] title; or (ii) any such suspension is
56 permissive for habitual or persistent violations of this chapter or any

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1 local law relating to traffic as set forth in paragraph [~~(d)~~] d or [~~(i)~~]
2 i of subdivision three of section five hundred ten of this [~~chapter~~]
3 title; or (iii) any such suspension is permissive and has been imposed
4 by a magistrate, justice or judge of any city, town or village, any
5 supreme court justice, any county judge, or judge of a district court.
6 [~~The~~] Except for a commercial motor vehicle as defined in subdivision
7 four of section five hundred one-a of this title, the restrictions on
8 types of vehicles which may be operated with a restricted license
9 contained in this subdivision shall not be applicable to a restricted
10 license issued to a person whose license has been suspended pursuant to
11 paragraph three of subdivision four-e of section five hundred ten of
12 this chapter.

13 § 16. Subparagraph 5 of paragraph (b) of subdivision 2 of section 1193
14 of the vehicle and traffic law, as amended by chapter 173 of the laws of
15 1990, is amended to read as follows:

16 (5) [~~Commercial motor vehicles~~] Holder of a commercial driver's
17 license. (i) Except as otherwise provided in this subparagraph, one year
18 where the holder of a commercial driver's license is convicted of a
19 violation of any subdivision of section eleven hundred ninety-two of
20 this article[, ~~such violation was committed while the holder was operat-~~
21 ~~ing a commercial motor vehicle~~] and the holder is sentenced pursuant to
22 subparagraph two of paragraph (d) of subdivision one of this section.

23 (ii) Three years, where the holder is convicted of a violation of any
24 subdivision of section eleven hundred ninety-two of this article, such
25 violation was committed while the holder was operating a commercial
26 motor vehicle transporting hazardous materials and the holder is
27 sentenced pursuant to subparagraph two of paragraph (d) of subdivision
28 one of this section.

29 § 17. Clause b of subparagraph 3 of paragraph (e) of subdivision 2 of

30 section 1193 of the vehicle and traffic law, as amended by chapter 173
31 of the laws of 1990, is amended to read as follows:

32 b. Any person who holds a commercial driver's license and is convicted
33 of a violation of any subdivision of section eleven hundred ninety-two
34 of this article [~~while operating a commercial motor vehicle~~] who has had
35 a prior finding of refusal to submit to a chemical test pursuant to
36 section eleven hundred ninety-four of this article [~~while operating a~~
37 ~~commercial motor vehicle~~] or has had a prior conviction of any of the
38 following offenses [~~while operating a commercial motor vehicle~~]: any
39 violation of section eleven hundred ninety-two of this article; any
40 violation of subdivision one or two of section six hundred of this chap-
41 ter; or has a prior conviction of any felony involving the use of a
42 [~~commercial~~] motor vehicle pursuant to paragraph (a) of subdivision one
43 of section five hundred ten-a of this chapter, shall be permanently
44 disqualified from operating a commercial motor vehicle. The commissioner
45 may waive such disqualification and prohibition hereinbefore provided
46 after a period of ten years has expired from such sentence provided:

47 (i) that during such ten year period such person has not been found to
48 have refused a chemical test pursuant to section eleven hundred ninety-
49 four of this article while operating a [~~commercial~~] motor vehicle and
50 has not been convicted of any one of the following offenses while oper-
51 ating a [~~commercial~~] motor vehicle: any violation of section eleven
52 hundred ninety-two of this article; any violation of subdivision one or
53 two of section six hundred of this chapter; or has a prior conviction of
54 any felony involving the use of a [~~commercial~~] motor vehicle pursuant to
55 paragraph (a) of subdivision one of section five hundred ten-a of this
56 chapter;

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1 (ii) that such person provides acceptable documentation to the commis-
2 sioner that such person is not in need of alcohol or drug treatment or
3 has satisfactorily completed a prescribed course of such treatment; and

4 (iii) after such documentation is accepted, that such person is grant-
5 ed a certificate of relief from disabilities as provided for in section
6 seven hundred one of the correction law by the court in which such
7 person was last penalized pursuant to paragraph (d) of subdivision one
8 of this section.

9 § 18. Clause c of subparagraph 1 of paragraph (d) of subdivision 2 of
10 section 1194 of the vehicle and traffic law, as added by chapter 173 of
11 the laws of 1990, is amended to read as follows:

12 c. Any commercial driver's license which has been revoked pursuant to
13 paragraph (c) of this subdivision based upon a finding of refusal to
14 submit to a chemical test [~~while operating a commercial motor vehicle~~]
15 shall not be restored for at least one year after such revocation, nor
16 thereafter, except in the discretion of the commissioner, but shall not
17 be restored for at least three years after such revocation, nor there-
18 after, except in the discretion of the commissioner, [~~when the~~] if the
19 holder of such license was operating a commercial motor vehicle [~~was~~]
20 transporting hazardous materials at the time of such refusal. However,
21 such person shall be permanently disqualified from operating a commer-
22 cial motor vehicle in any case where the holder has a prior finding of
23 refusal to submit to a chemical test pursuant to this section [~~while~~
24 ~~operating a commercial motor vehicle~~] or has a prior conviction of any
25 of the following offenses [~~while operating a commercial motor vehicle~~]:
26 any violation of section eleven hundred ninety-two of this article; any
27 violation of subdivision one or two of section six hundred of this chap-
28 ter; or has a prior conviction of any felony involving the use of a
29 [~~commercial~~] motor vehicle pursuant to paragraph (a) of subdivision one
30 of section five hundred ten-a of this chapter. Provided that the commis-
31 sioner may waive such permanent revocation after a period of ten years
32 has expired from such revocation provided:

33 (i) that during such ten year period such person has not been found to

34 have refused a chemical test pursuant to this section [~~while operating a~~
35 ~~commercial motor vehicle~~] and has not been convicted of any one of the
36 following offenses [~~while operating a commercial motor vehicle~~]: any
37 violation of section eleven hundred ninety-two of this article; refusal
38 to submit to a chemical test pursuant to this section; any violation of
39 subdivision one or two of section six hundred of this chapter; or has a
40 prior conviction of any felony involving the use of a [~~commercial~~] motor
41 vehicle pursuant to paragraph (a) of subdivision one of section five
42 hundred ten-a of this chapter;

43 (ii) that such person provides acceptable documentation to the commis-
44 sioner that such person is not in need of alcohol or drug treatment or
45 has satisfactorily completed a prescribed course of such treatment; and

46 (iii) after such documentation is accepted, that such person is grant-
47 ed a certificate of relief from disabilities as provided for in section
48 seven hundred one of the correction law by the court in which such
49 person was last penalized.

50 § 19. Paragraph (g) of subdivision 7 of section 1196 of the vehicle
51 and traffic law, as amended by chapter 571 of the laws of 1993, is
52 amended to read as follows:

53 (g) [~~Any~~] Notwithstanding anything to the contrary contained in a
54 certificate of relief from disabilities issued pursuant to article twen-
55 ty-three of the correction law, any conditional license or privilege
56 issued to a person convicted of a violation of any subdivision of

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1 section eleven hundred ninety-two of this article shall not be valid for
2 the operation of any commercial motor vehicle [~~or~~]. In addition, no such
3 conditional license or privilege shall be valid for the operation of a
4 taxicab as defined in this chapter.

5 § 20. Subdivision 19 of section 246 of chapter 81 of the laws of 1995,
6 amending the vehicle and traffic law and other laws relating to the
7 enforcement of support through the suspension of driving privileges, as
8 amended by chapter 87 of the laws of 2003, is amended to read as
9 follows:

10 19. Sections two hundred one, two hundred eight, two hundred eleven,
11 two hundred thirteen, two hundred fifteen and two hundred sixteen of
12 this act shall expire and be deemed repealed on June 30, [~~2005~~] 2007.

13 § 21. This act shall take effect immediately and shall apply to
14 violations committed on and after such date; provided, however, that
15 section twenty of this act shall be deemed to have been in full force
16 and effect on and after April 1, 2005; provided further that sections
17 two, five, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seven-
18 teen, eighteen and nineteen of this act shall take effect September 30,
19 2005; and provided further that the amendments to subdivision 5 of
20 section 530 of the vehicle and traffic law made by section fifteen of
21 this act shall not affect the expiration of such subdivision and shall
22 be deemed to expire therewith.