



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senate Transportation Committee Approves Legislation to Strengthen Oversight of Conditional Licenses

CHARLES J. FUSCHILLO JR. January 30, 2012

| ISSUE: **TRANSPORTATION**

| COMMITTEE: **TRANSPORTATION**

Legislation Would Require Judges to Approve Conditional Licenses for Those Arrested for DWI

Senator Charles J. Fuschillo, Jr. (R-Merrick), Chairman of the Senate's Transportation Committee, today announced that the committee has approved legislation to prevent individuals arrested for DWI from obtaining a conditional license without a judge's approval.

"Driving is not a right, it is a privilege. Someone who abuses that privilege by driving drunk should not be able to go right back on the road without a review. Requiring judges to review and approve conditional license applications would create greater oversight and ensure that conditional licenses are not automatically handed out to anyone and everyone who applies," said Senator Fuschillo, sponsor of the legislation.

Current law allows those arrested for DWI to apply for a conditional license from the Department of Motor Vehicles (DMV) after an initial 30 day license suspension. Conditional licenses permit driving in certain instances, including: driving to and from work, school, doctors' offices, child care, the DMV, the probation department, and DWI programs. Licensees are also allowed to drive as part of their job (if need be) and also for three hours a week to run errands and handle personal business. Those arraigned for drunk driving are

virtually approved automatically for a conditional license by the DMV, as long as they have not been enrolled in a DWI program in the prior five years.

This lack of oversight has resulted in tragedy. Jose Borbon was given a conditional license after being arrested in January 2009 for drunk driving, criminal possession of a weapon, holding more than one license, and failure to obey a traffic device. On February 22, 2009, while out on bail and driving with a conditional license, he drove drunk again, this time killing Suffolk County Police Officer Glen Ciano.

Senator Fuschillo's legislation (S526A) would give judges greater authority to keep a dangerous drunk driving defendant off the road. DMV would be prohibited from issuing a conditional license to a drunk driving defendant without receiving approval from the judge handling that defendant's case.

"There should be nothing automatic about a suspected drunk driver getting back on our roads, and giving judges the ability to use their discretion will provide innocent motorists and pedestrians one more layer of protection," said Nassau County District Attorney Kathleen Rice. "I want to thank Senator Fuschillo for being a staunch ally in the fight against drunk driving and the Committee for approving this common-sense legislation."

"MADD supports this important, life saving legislation. The one population that presents perhaps the most significant risk to the public is those who have driven drunk before. Giving them the privilege to drive again on public streets is as serious as giving ammunition to an armed robber. We need to make certain these individuals are capable of judgment they have not demonstrated before," said Tom McCoy, Executive Director of MADD Long Island.

In addition, the Committee also approved legislation which would require anyone convicted of an alcohol related boating offense to obtain a boating safety certificate before operating a vessel (S2903B- Sen. DeFrancisco). The requirement would be in addition to any

other applicable penalties.