



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senate Passes Senator Fuschillo's Legislation to Strengthen Oversight of Conditional Licenses

CHARLES J. FUSCHILLO JR. April 16, 2013

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Proposed Law Would Require Court's Consent Before DMV Could Grant a Conditional License

Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that the New York State Senate passed legislation he sponsored to prevent individuals arrested for DWI from obtaining a conditional license without judicial approval.

"Currently, individuals arrested for DWI are being given conditional licenses virtually automatically and allowed to go back on the road without any judicial review or input. That revolving door approach must stop; holding a driver's license is a privilege, not a right. Requiring judicial approval before granting a conditional license would add needed oversight, end the rubber stamp approval process, and make our roads safer for everyone," said Senator Fuschillo, Chairman of the Senate's Transportation Committee.

New York State law allows individuals arrested for DWI to apply for a conditional license from the Department of Motor Vehicles (DMV) after an initial 30 day license suspension. Approval is virtually automatic; the only provision to disqualify an individual from receiving a conditional license is if they were enrolled in a drinking driver program in the last 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 (S742) 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.

"My husband was killed by a drunk driver who was given a conditional license despite having been arrested for DWI a few weeks before and having a less than stellar record. Had this man been required to judicial approval in order to get a license, things may have turned out differently. This legislation is needed to help protect innocent lives and prevent other families from suffering the same pain and loss that my family feels every day," said Susan Ciano, widow of Officer Glen Ciano and a MADD volunteer.

"Too often conditional licenses are granted to drunk drivers with little or no scrutiny. By requiring judicial approval of conditional licenses, instead of the current rubber-stamp process, judges will have the opportunity to keep dangerous drunk drivers off our roads. This legislation is an important additional tool to make our roads safer, and I applaud the Senate for its passage," said Nassau County District Attorney Kathleen Rice.

"Drunk drivers continue to drive drunk because they can. By providing for judicial oversight and scrutiny of relicensing of arrested DWI offenders prior to conviction, public safety of all motorists is better protected," said MADD National President Jan Withers.