



99 PINE STREET
ALBANY, NEW YORK 12207

WWW.FWC-LAW.COM

PHONE: (518) 436-0786
FAX: (518) 427-0452

The Week That Was

05-12-17

1. Denny Farr-Well

Our Spin:

Gentleman, scholar, raconteur, leader and friend. New York will be a little poorer for “Denny,” Farrell’s leaving public service but it is much better off for his having given us 42 years of his 85 years. Good luck and may you dance at your daughter’s wedding!

The Story:

Assemblyman Herman “Denny” Farrell, the longtime head of the Assembly Ways and Means Committee, will not seek reelection in 2018, sources close to him say. A Democrat from Manhattan, Farrell has served in the Legislature for 42 years, making him the third longest active Assembly member in the chamber behind Richard Gottfried and Joseph Lentol. Right behind Farrell in longevity is Assemblyman Robin Schimminger. Sources say Farrell’s decision to retire is a combination of factors. Two reasons mentioned were him being 85-years-old and also wanting to spend more time with his 12-year-old daughter. It’s unclear whether he will step down before his term is up at the end of 2018. The current legislative session ends in June.

In addition to his time in the Assembly, Farrell is a former head of the state and Manhattan Democratic parties. In 1985, he mounted an unsuccessful challenge to then-Mayor Ed Koch. Farrell has won the respect of members on both sides of the aisle in the Assembly, particularly for his ability to spend hours on the floor of

the Assembly debating the budget with a congenial nature.

[NY Daily News](#)
[Global Times](#)

2. OH MY DWI

Our Spin:

In a unanimous decision, the New York State Court of Appeals upheld arguably the most stringent anti-drunk driving regulations in the country. As a result, the New York State Department of Motor Vehicles has virtually unfettered discretion to deny or severely restrict the driving privileges of individuals with multiple driving while intoxicated violations during their lifetime. A sobering and cautionary decision for all New Yorkers.

The Story:

The state Court of Appeals has upheld a policy implemented by Governor Andrew Cuomo’s administration that allows the state Department of Motor Vehicles to permanently revoke driving privileges for repeat drunk drivers. In a 5-0 decision, the state’s top court upheld rules put in place in 2012, that take steps going beyond state law governing relicensing procedures for drivers with multiple DWI convictions. The Court of Appeals said the suspensions—in some cases for the lifetimes of persistent drunken drivers—are grounded in the sound public policy of attempting to reduce alcohol-related motor vehicle crashes, which cause 300 deaths

and 6,000 injuries a year in New York. Under state Vehicle and Traffic Law, a driver's license can be revoked if he or she has three drunk-driving convictions in the span of four years, or four convictions in eight years. Among other sanctions, the regulations imposed a lifetime license revocation for those with five or more alcohol-related convictions within a 25-year span. A new suspension of at least five years was imposed for those with three or four alcohol or drug-related driving convictions over that 25-year "look-back" period. In its Tuesday decision, the Court found that the DMV commissioner, who has wide discretion in relicensing drivers under state law, has the authority to put forth regulations with respect to licensing procedures. "Petitioners' statutory conflict argument relies on the flawed premise that an offender is entitled to relicensing under the (Vehicle and Traffic Law) upon expiration of the statutory revocation period," Judge Michael Garcia wrote in the 31-page decision. "Rather, the VTL expressly provides that the statutory revocation periods are 'minimum' time periods during which an offender's driver's license must remain 'revoked.' With respect to the 'reissuance of licenses,' the VTL provides that, following 'the expiration of the minimum (revocation) period,' relicensing applications are to be decided solely 'in the discretion of the commissioner.'"

[Times Union](#)
[New York Law Journal](#)

3. Uber, Lyft or Nobody?

Our Spin:

More than 20 lawmakers have signed onto a bill changing a single word in the state's newly approved ride-hailing law, a small tweak that would allow Uber, Lyft and similar companies to begin their service in the days ahead of Independence Day. The move, according to the bill's sponsors, would ensure ride-hailing services are available for those seeking a sober ride home from holiday festivities. In a further push to avoid having drunk drivers behind the wheel, the Governor is now inviting companies to have no driver behind the wheel.

The Story:

On Wednesday, Governor Cuomo announced the state will begin accepting applications from companies looking to test or demonstrate autonomous vehicle technology as part of a year-long pilot program authorized by lawmakers this year. Applications for testing may be submitted by manufacturers of "autonomous vehicle technology," or companies creating such technology working in conjunction with manufacturers. All vehicles will have to comply with federal safety standards and all applicable New York State inspection standards. Also, a person holding a valid driver license must be present in the driver's seat at all times while it is operated on public highways.

"New York has emerged as one of the nation's leading hubs for innovation, and as we invite companies and entrepreneurs to reimagine transportation technology, we will encourage the development of new, safe travel options for New Yorkers," Cuomo said. "With this action, we are taking a careful yet balanced approach to incorporating autonomous vehicles on our roads to reduce dangerous driving habits, decrease the number of accidents and save lives on New York roadways."

Speaking of the development of new, safe travel options for New Yorkers, Cuomo's announcement comes at the same time the Legislature is pushing legislation that would allow ride booking companies, like Uber and Lyft, to begin services Upstate by 4th of July weekend. Cuomo signed the state budget into law on April 9, which included the approval of the apps to operate here after 90 days. This enacting date means no Uber and Lyft would be available until after the Fourth of July holiday. However, a bill sponsored by Assemblyman Kevin Cahill and Senator Michael Ranzenhofer would make the apps available for drivers and passengers potentially by June 29. This bill has drawn the support of multiple legislators in both houses

[NBC 4](#)
[NY Daily News](#)