

164--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MAZIARZ, ALESİ, JOHNSON, LANZA, LARKIN, RANZENHOFER
-- read twice and ordered printed, and when printed to be committed to
the Committee on Transportation -- committee discharged, bill amended,
ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to acting as a
supervising driver while under the influence of alcohol and/or drugs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as "Abbagail's
2 Law".
3 S 2. Paragraph (a) of subdivision 1 of section 501-b of the vehicle
4 and traffic law, as added by chapter 644 of the laws of 2002, is amended
5 to read as follows:
6 (a) operate a motor vehicle with any front seat occupants other than
7 the supervising driver; PROVIDED THAT SUCH SUPERVISING DRIVER WOULD NOT
8 BE IN VIOLATION OF SUBDIVISION ONE, TWO, TWO-A, THREE, FOUR OR FOUR-A OF
9 SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER WERE HE OR SHE OPERAT-
10 ING THE VEHICLE;
11 S 3. The vehicle and traffic law is amended by adding a new section
12 501-c to read as follows:
13 S 501-C. SUPERVISING DRIVER WHILE UNDER THE INFLUENCE OF ALCOHOL
14 AND/OR DRUGS. ANY INDIVIDUAL ACTING AS A SUPERVISING DRIVER PURSUANT TO
15 SUBPARAGRAPH (II) OF PARAGRAPH (A) AND PARAGRAPH (C) OF SUBDIVISION FIVE
16 OF SECTION FIVE HUNDRED ONE OF THIS ARTICLE THAT DOES SO UNDER THE
17 INFLUENCE OF ALCOHOL AND/OR DRUGS SHALL BE GUILTY OF A CLASS A MISDEMEA-
18 NOR.
19 S 4. Section 1192 of the vehicle and traffic law is amended by adding
20 a new subdivision 13 to read as follows:
21 13. SUPERVISING DRIVERS. ANY INDIVIDUAL ACTING AS A SUPERVISING DRIVER
22 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (A) AND PARAGRAPH (C) OF

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

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1 SUBDIVISION FIVE OF SECTION FIVE HUNDRED ONE OF THIS CHAPTER WHILE UNDER
2 THE INFLUENCE OF ALCOHOL AND/OR DRUGS IS IN VIOLATION OF SUBDIVISION
3 ONE, TWO, TWO-A, THREE, FOUR OR FOUR-A OF THIS SECTION AND SHALL BE
4 CHARGED ACCORDINGLY.

5 S 5. The vehicle and traffic law is amended by adding a new section
6 1192-b to read as follows:

7 S 1192-B. SUPERVISING A DRIVER WHILE UNDER THE INFLUENCE OF ALCOHOL
8 AND/OR DRUGS. 1. NO PERSON SHALL ACT AS A SUPERVISING DRIVER PURSUANT TO
9 SECTION FIVE HUNDRED ONE OR FIVE HUNDRED ONE-B OF THIS CHAPTER IF SUCH
10 PERSON WOULD BE IN VIOLATION OF SUBDIVISION ONE, TWO, THREE, FOUR OR
11 FOUR-A OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE IF HE OR SHE
12 WERE OPERATING THE VEHICLE.

13 SUPERVISING A DRIVER WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS
14 SHALL BE A CLASS A MISDEMEANOR.

15 2. AGGRAVATED SUPERVISING A DRIVER WHILE UNDER THE INFLUENCE OF ALCO-
16 HOL AND/OR DRUGS. NO PERSON SHALL ACT AS A SUPERVISING DRIVER PURSUANT
17 TO SECTION FIVE HUNDRED ONE OR FIVE HUNDRED ONE-B OF THIS CHAPTER IF
18 SUCH PERSON WOULD BE IN VIOLATION OF SUBDIVISION TWO-A OF SECTION ELEVEN
19 HUNDRED NINETY-TWO OF THIS ARTICLE IF HE OR SHE WERE OPERATING THE VEHI-
20 CLE.

21 AGGRAVATED SUPERVISING A DRIVER WHILE UNDER THE INFLUENCE OF ALCOHOL
22 AND/OR DRUGS SHALL BE A CLASS E FELONY.

23 S 6. This act shall take effect on the ninetieth day after it shall
24 have become a law.