

164--B

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MAZIARZ, ALESI, 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 -- 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 ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as "Abigail'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. Section 1192 of the vehicle and traffic law is amended by adding
12 a new subdivision 13 to read as follows:

13 13. SUPERVISING DRIVERS. ANY INDIVIDUAL ACTING AS A SUPERVISING DRIVER
14 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (A) AND PARAGRAPH (C) OF
15 SUBDIVISION FIVE OF SECTION FIVE HUNDRED ONE OF THIS CHAPTER WHILE UNDER
16 THE INFLUENCE OF ALCOHOL AND/OR DRUGS IS IN VIOLATION OF SUBDIVISION
17 ONE, TWO, TWO-A, THREE, FOUR OR FOUR-A OF THIS SECTION AND SHALL BE
18 CHARGED ACCORDINGLY.

19 S 4. The vehicle and traffic law is amended by adding a new section
20 1192-b to read as follows:

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

LBD01224-04-1

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

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

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

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

17 S 5. This act shall take effect on the ninetieth day after it shall
18 have become a law.