S T A T E O F N E W Y O R K

2212

2013-2014 Regular Sessions

I N S E N A T E

January 14, 2013

Introduced by Sens. YOUNG, DeFRANCISCO, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the definition of "drug"

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

Section 1. Section 114-a of the vehicle and traffic law, as added by chapter 163 of the laws of 1973, is amended to read as follows:

S 114-a. Drug. The term "drug" when used in this chapter, means and includes any substance listed in section thirty-three hundred six of the public health law, AND ANY HAZARDOUS INHALANTS AND GLUE CONTAINING A SOLVENT HAVING THE PROPERTY OF RELEASING TOXIC VAPORS AND FUMES, AS DEFINED IN SECTION THIRTY-THREE HUNDRED EIGHTY OF SUCH LAW.

S 2. Subdivision 5 of section 509-a of the vehicle and traffic law, as added by chapter 675 of the laws of 1985, is amended to read as follows:

(5) drug shall mean any substance listed in section thirty-three hundred six of the public health law not dispensed or consumed pursuant to a lawful prescription, AND ANY HAZARDOUS INHALANTS AND GLUE CONTAINING A SOLVENT HAVING THE PROPERTY OF RELEASING TOXIC VAPORS AND FUMES, AS DEFINED IN SECTION THIRTY-THREE HUNDRED EIGHTY OF SUCH LAW;

S 3. Subdivision 1 of section 510-a of the vehicle and traffic law, as amended by section 4 of part CC of chapter 58 of the laws of 2011, is amended to read as follows:

1. Revocation. A commercial driver's license shall be revoked by the commissioner whenever the holder is convicted within or outside of this state (a) of a felony involving the use of a motor vehicle except a felony as described in paragraph (b) of this subdivision; (b) of a felony involving manufacturing, distributing or dispensing a drug [as defined in], WHICH, NOTWITHSTANDING section one hundred fourteen-a of this chapter, SHALL MEAN AND INCLUDE ANY SUBSTANCE LISTED IN SECTION

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

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THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW, or possession of any such drug with intent to manufacture, distribute or dispense such drug in which a motor vehicle was used; (c) of a violation of subdivision one or two of section six hundred of this chapter; (d) of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle; (e) has been convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide; or (f) the commissioner determines that the holder has made a false statement regarding information: (i) required by the federal motor carrier safety improvement act of 1999 and Subpart J of Part 383 of title 49 of the code of federal regulations relating to a commercial driver's license document in an application for a commercial driver's license; (ii) required by the federal motor carrier safety improvement act of 1999 and Part 383.71 (a) and (g) of title 49 of the code of federal regulations relating to an initial commercial driver's license or existing commercial driver's license holder's self-certification in any of the self-certifications regarding the type of driving engaged or to be engaged in by the holder or regarding the non-applicability to the holder of the physical qualification requirements of the federal motor carrier safety improvement act of 1999 and Part 391 of title 49 of the code of federal regulations relating to qualifications of drivers; or (iii) required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to commercial driver's license requirements in any medical certificate.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.