STATE OF NEW YORK

6638

2025-2026 Regular Sessions

IN ASSEMBLY

March 6, 2025

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to driving while ability impaired by fatigue and aggravated driving while ability impaired by fatigue

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new section 1212-a to read as follows:

§ 1212-a. Driving while ability impaired by fatigue; aggravated driving while ability impaired by fatigue. (a) Driving while ability impaired by fatigue. A person commits the offense of driving while ability impaired by fatigue when such person drives, operates or uses any motor vehicle, motorcycle or any other vehicle propelled by any power other than muscular power or any appliance or accessory thereof while such person's ability or alertness is so impaired, or so likely to become impaired, through fatigue as to make it unsafe for such person to begin or continue to operate said motor vehicle, motorcycle or any other vehicle propelled by any power other than muscular power or any appliance or accessory thereof. Driving while ability impaired by fatigue is prohibited.

(b) Aggravated driving while ability impaired by fatigue. A person commits the offense of aggravated driving while ability impaired by fatigue when such person commits the offense of driving while ability impaired by fatigue as defined in subdivision (a) of this section and such person thereby causes: (i) serious physical injury as defined in subdivision ten of section 10.00 of the penal law; or (ii) the death of any person. Aggravated driving while ability impaired by fatigue is prohibited. Aggravated driving while ability impaired by fatigue is a misdemeanor.

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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