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

5484

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. MOLINARO, McKEVITT, WALKER, ALFANO, BALL, McDONOUGH, BARCLAY, TOBACCO, GIGLIO -- Multi-Sponsored by -- M. of A. BARRA, CONTE, CROUCH, DUPREY, FINCH, KOLB, MILLER, SPANO -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to ignition interlocking devices

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

Section 1. Section 119-a of the vehicle and traffic law, as added by chapter 713 of the laws of 1988, is amended to read as follows:

S 119-a. Ignition interlock device. Any blood alcohol concentration equivalence measuring device which connects to a motor vehicle ignition system and prevents a motor vehicle from being started without first determining through a deep lung breath sample that the operator's equivalent breath alcohol level does not exceed the calibrated setting on the device as required by section eleven hundred ninety-eight of this chapter OR A DEVICE THAT DETERMINES THE OPERATOR'S BLOOD ALCOHOL CONCENTRATION OTHER THAN THROUGH A DEEP LUNG BREATH SAMPLE AND PREVENTS OPERATION OF THE MOTOR VEHICLE.

S 2. Subparagraph 1 of paragraph (b) of subdivision 6 of section 1198 of the vehicle and traffic law, as amended by chapter 669 of the laws of 2007, is amended to read as follows:

(1) have features that make circumventing difficult and that do not interfere with the normal or safe operation of the vehicle; PROVIDED, HOWEVER, THAT THE DEPARTMENT OF HEALTH STUDY AND APPROVE IGNITION INTERLOCKING DEVICES, INCLUDING BUT NOT LIMITED TO SUCH DEVICES USING A DEEP LUNG BREATH METHOD AS A MEANS OF DETERMINING BLOOD ALCOHOL CONCENTRATION, FOR INSTALLATION PURSUANT TO SUBDIVISION ONE OF THIS SECTION AND TO INCLUDE ADDITIONAL APPROVED DEVICES OF THE DEPARTMENT OF HEALTH'S LIST OF APPROVED IGNITION INTERLOCKING DEVICES;

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

LBD07197-01-9

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the amendments to section 119-a of the vehicle and traffic law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith; provided further, that the amendments to subparagraph 1 of paragraph (b) of subdivision 6 of section 1198 of the vehicle and traffic law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.