

7270

2009-2010 Regular Sessions

I N A S S E M B L Y

March 27, 2009

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

AN ACT to amend the vehicle and traffic law and the education law, in
relation to school bus safety

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

1 Section 1. Subdivision (c) of section 1174 of the vehicle and traffic
2 law, as amended by chapter 254 of the laws of 2002, is amended to read
3 as follows:
4 (c) Every person convicted of a violation of subdivision (a) of this
5 section shall: for a first conviction thereof, be punished by a fine of
6 not less than two hundred fifty dollars nor more than four hundred
7 dollars or by imprisonment for not more than thirty days or by both such
8 fine and imprisonment; for a conviction of a second violation, both of
9 which were committed within a period of three years, [such person shall
10 be punished by a fine of not less than six hundred dollars nor more than
11 seven hundred fifty dollars or by imprisonment for not more than one
12 hundred eighty days or by both such fine and imprisonment] SHALL CONSTI-
13 TUTE A CLASS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN FIVE
14 HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS, IN ADDITION TO ANY
15 OTHER PENALTIES PROVIDED BY LAW; upon a conviction of a third or subse-
16 quent violation, all of which were committed within a period of three
17 years, [such person shall be punished by a fine of not less than seven
18 hundred fifty dollars nor more than one thousand dollars or by imprison-
19 ment for not more than one hundred eighty days or by both such fine and
20 imprisonment] SUCH PERSON SHALL BE GUILTY OF A CLASS E FELONY PUNISHABLE
21 BY A FINE OF NOT LESS THAN ONE THOUSAND NOR MORE THAN TWO THOUSAND FIVE
22 HUNDRED DOLLARS IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW. ANY
23 VIOLATION OF SUBDIVISION (A) OF THIS SECTION THAT RESULTS IN SERIOUS
24 PHYSICAL INJURY OR DEATH SHALL CONSTITUTE A CLASS E FELONY, PUNISHABLE

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

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1 BY A FINE OF NOT LESS THAN ONE THOUSAND NOR MORE THAN FIVE THOUSAND
2 DOLLARS IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

3 S 2. Subdivision 4 of section 509-cc of the vehicle and traffic law,
4 as added by chapter 675 of the laws of 1985, paragraph (a) as amended by
5 chapter 93 of the laws of 2006, paragraph (b) as amended by chapter 360
6 of the laws of 1986, and paragraph (c) as amended by chapter 345 of the
7 laws of 2007, is amended to read as follows:

8 (4) (a) The offenses referred to in subparagraph (ii) of paragraph (a)
9 of subdivision one and paragraph (a) of subdivision two of this section
10 that result in permanent disqualification shall include a conviction
11 under [sections] SECTION 120.02, 120.12, 125.12, 125.20, 125.25, 125.26,
12 125.27, 130.20, 130.25, 130.30, 130.35, 130.45, 130.50, 130.52, 130.53,
13 130.60, 130.65, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.95,
14 130.96, 135.25, 150.20, 230.20, 230.25, 230.30, 230.32, 230.40, 235.21,
15 235.22, 260.20, 260.21, 263.05, 263.10, 263.11, 263.15, OR 263.16 of the
16 penal law or an attempt to commit any of the aforesaid offenses under
17 section 110.00 of the penal law, or any offenses committed under a
18 former section of the penal law which would constitute violations of the
19 aforesaid sections of the penal law, or any offenses committed outside
20 this state which would constitute violations of the aforesaid sections
21 of the penal law.

22 (b) The offenses referred to in subparagraph (ii) of paragraph (a) of
23 subdivision one and paragraph (b) of subdivision two of this section
24 that result in permanent disqualification shall include a conviction
25 under sections 100.13, 105.15, 105.17, 115.08, 125.10, 125.15, 130.40,
26 [130.60, 130.65,] 135.20, 160.15, 220.18, 220.21, 220.39, 220.41,
27 220.43, 260.00, 263.05, 263.10, 263.15, 265.04 of the penal law or an
28 attempt to commit any of the aforesaid offenses under section 110.00 of
29 the penal law, or any offenses committed under a former section of the
30 penal law which would constitute violations of the aforesaid sections of
31 the penal law, or any offenses committed outside this state which would
32 constitute violations of the aforesaid sections of the penal law.

33 (c) The offenses referred to in subparagraph (i) of paragraph (b) of
34 subdivision one and subparagraph (i) of paragraph (c) of subdivision two
35 of this section that result in disqualification for a period of five
36 years shall include a conviction under sections 100.10, 105.13, 115.05,
37 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.13, 120.14, 120.25,
38 125.13, 125.14, 125.40, 125.45, 130.20, 130.25, 130.55, 135.10, 135.55,
39 140.17, 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06,
40 220.09, 220.16, 220.31, 220.34, 220.39, 220.41, 220.43, 220.44, 220.60,
41 220.65, 221.30, 221.50, 221.55, 230.00, 230.05, 230.06, [230.20, 230.25,
42 230.30, 230.32,] 235.05, 235.06, 235.07, [235.21,] 240.06, 240.30,
43 240.31, 245.00, 260.10, [subdivision two of section 260.20 and] sections
44 260.25, 265.02, 265.03, 265.08, 265.09, 265.10, 265.12, 265.35 of the
45 penal law or an attempt to commit any of the aforesaid offenses under
46 section 110.00 of the penal law, or any similar offenses committed under
47 a former section of the penal law, or any offenses committed under a
48 former section of the penal law which would constitute violations of the
49 aforesaid sections of the penal law, or any offenses committed outside
50 this state which would constitute violations of the aforesaid sections
51 of the penal law.

52 S 3. Subdivision 1 of section 2801-a of the education law, as amended
53 by chapter 380 of the laws of 2001, is amended to read as follows:

54 1. The board of education or trustees, as defined in section two of
55 this chapter, of every school district within the state, however
56 created, and every board of cooperative educational services and county

1 vocational education and extension board and the chancellor of the city
2 school district of the city of New York shall adopt and amend a compre-
3 hensive district-wide school safety plan and building-level school safe-
4 ty plans regarding crisis intervention, emergency response and manage-
5 ment, provided that in the city school district of the city of New York,
6 such plans shall be adopted by the chancellor of the city school
7 district. Such plans shall be developed by a district-wide school safe-
8 ty team and a building-level school safety team established pursuant to
9 subdivision four of this section and shall be in a form developed by the
10 commissioner in consultation with the division of criminal justice
11 services, the superintendent of the state police and any other appropri-
12 ate state agencies. SUCH PLANS SHALL INCLUDE A SPECIFIC DESCRIPTION OF
13 THE DISTRICT'S EMERGENCY RESPONSE PREPAREDNESS PLAN IN THE EVENT THAT A
14 CRISIS OR EMERGENCY ARISES WHEN CHILDREN ARE BEING TRANSPORTED BY A
15 DISTRICT. A school district having only one school building, shall
16 develop a single building-level school safety plan, which shall also
17 fulfill all requirements for development of a district-wide plan.

18 S 4. Paragraph (b) of subdivision 1 of section 509-cc of the vehicle
19 and traffic law, as added by chapter 675 of the laws of 1985, is amended
20 to read as follows:

21 (b) for a period of [five] TEN years from the date of last conviction
22 specified herein, if that person

23 (i) has been convicted within the preceding [five] TEN years of an
24 offense listed in paragraph (c) of subdivision four of this section that
25 was committed on or after September fifteenth, nineteen hundred eighty-
26 five. However, such disqualification shall be waived provided that the
27 applicant has been granted a certificate of relief from disabilities as
28 provided for in section seven hundred one of the correction law. When
29 the certificate is issued by a court for a conviction which occurred in
30 this state, it shall only be issued by the court having jurisdiction
31 over such conviction. Such certificate shall specifically indicate that
32 the authority granting such certificate has considered the bearing, if
33 any, the criminal offense or offenses for which the person was convicted
34 will have on the applicant's fitness or ability to operate a bus trans-
35 porting school children, prior to granting such a certificate;

36 (ii) has been convicted of any violation of section eleven hundred
37 ninety-two of this chapter or an offense committed outside this state
38 which would constitute a violation of section eleven hundred ninety-two
39 of this chapter, and the offense was committed while the driver was
40 driving a bus in the employ of a motor carrier or in the furtherance of
41 a commercial enterprise in interstate, intrastate or foreign commerce;

42 (iii) has been twice convicted of a violation of any subdivision of
43 section eleven hundred ninety-two of this chapter or offenses committed
44 outside this state which would constitute a violation of section eleven
45 hundred ninety-two of this chapter, committed within the preceding
46 [five] TEN year period;

47 (iv) has been twice convicted of a violation of any subdivision of
48 section eleven hundred ninety-two of this chapter, or an offense commit-
49 ted outside of this state which would constitute a violation of any
50 subdivision of section one thousand one hundred ninety-two of this chap-
51 ter, committed within any ten year period after September fifteenth,
52 nineteen hundred eighty-five; or

53 (v) has been convicted of leaving the scene of an accident which
54 resulted in personal injury or death under section six hundred of this
55 chapter or an offense committed outside of this state which would
56 constitute a violation of section six hundred of this chapter.

1 S 5. The opening paragraph and subparagraph (i) of paragraph (c) of
2 subdivision 2 of section 509-cc of the vehicle and traffic law, as added
3 by chapter 675 of the laws of 1985, are amended to read as follows:

4 for a period of [five] TEN years from the date of last conviction
5 specified herein, if that person

6 (i) has been convicted within the preceding [five] TEN years of an
7 offense listed in paragraph (c) of subdivision four of this section.
8 However, notwithstanding the provisions of subdivision three of section
9 seven hundred one of the correction law. Such disqualification shall be
10 waived provided that the applicant has been granted a certificate of
11 relief from disabilities as provided for in section seven hundred
12 [one-g] ONE of the correction law. When the certificate is issued by a
13 court for a conviction which occurred in this state, it shall only be
14 issued by the court having jurisdiction over such conviction. Such
15 certificate shall specifically indicate that the authority granting such
16 certificate has considered the bearing, if any, the criminal offense or
17 offenses for which the person was convicted will have on the applicant's
18 fitness or ability to operate a bus transporting school children, prior
19 to granting such a certificate.

20 S 6. This act shall take effect immediately.