

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- 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 penalties for operating a motor vehicle while under the influence of alcohol or drugs

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

1 Section 1. Paragraph (a) of subdivision 1 of section 1193 of the vehi-
2 cle and traffic law, as amended by chapter 75 of the laws of 1994, is
3 amended to read as follows:

4 (a) Driving while ability impaired. A violation of subdivision one of
5 section eleven hundred ninety-two of this article shall be a traffic
6 infraction and shall be punishable by a fine of not less than three
7 hundred dollars nor more than five hundred dollars or by imprisonment in
8 a penitentiary or county jail for not more than fifteen days, or by both
9 such fine and imprisonment. A person who operates a vehicle in violation
10 of such subdivision after having been convicted of a violation of any
11 subdivision of section eleven hundred ninety-two of this article within
12 the preceding five years shall be GUILTY OF A MISDEMEANOR, AND SHALL BE
13 punished by a fine of not less than [five] SEVEN hundred FIFTY dollars
14 nor more than [seven hundred fifty] ONE THOUSAND dollars, or by impri-
15 sonment of not more than [thirty] NINETY days in a penitentiary or coun-
16 ty jail or by both such fine and imprisonment. A person who operates a
17 vehicle in violation of such subdivision after having been convicted two
18 or more times of a violation of any subdivision of section eleven
19 hundred ninety-two of this article within the preceding ten years shall
20 be guilty of a misdemeanor, and shall be punished by a fine of not less
21 than [seven hundred fifty] ONE THOUSAND dollars nor more than [fifteen
22 hundred] TWO THOUSAND dollars, or by imprisonment of not more than one

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

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1 hundred eighty days in a penitentiary or county jail or by both such
2 fine and imprisonment.
3 S 2. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.