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

108

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:

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

(a) Driving while ability impaired. A violation of subdivision one of section eleven hundred ninety-two of this article shall be a traffic infraction and shall be punishable by a fine of not less than three hundred dollars nor more than five hundred dollars or by imprisonment in a penitentiary or county jail for not more than fifteen days, or by both such fine and imprisonment. A person who operates a vehicle in violation of such subdivision after having been convicted of a violation of any subdivision of section eleven hundred ninety-two of this article within the preceding five years shall be GUILTY OF A MISDEMEANOR, AND SHALL BE punished by a fine of not less than [five] SEVEN hundred FIFTY dollars nor more than [seven hundred fifty] ONE THOUSAND dollars, or by imprisonment of not more than [thirty] NINETY days in a penitentiary or county jail or by both such fine and imprisonment. A person who operates a vehicle in violation of such subdivision after having been convicted two or more times of a violation of any subdivision of section eleven hundred ninety-two of this article within the preceding ten years shall be guilty of a misdemeanor, and shall be punished by a fine of not less than [seven hundred fifty] ONE THOUSAND dollars nor more than [fifteen 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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hundred eighty days in a penitentiary or county jail or by both such fine and imprisonment.

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