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

2632

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. ORTIZ, DIAZ, HOOPER -- Multi-Sponsored by -- M. of A. ROBINSON, WEISENBERG -- read once and referred to the Committee on Transportation

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

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 1198-b to read as follows:

S 1198-B. INSTALLATION OF IGNITION INTERLOCK DEVICES. 1. EVERY MOTOR VEHICLE, AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER, MANUFACTURED FOR USE IN THIS STATE ON AND AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, AND EVERY SECOND HAND MOTOR VEHICLE SOLD IN THIS STATE ON AND AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND THIRTEEN WHICH IS CAPABLE OF HAVING AN IGNITION INTERLOCK DEVICE INSTALLED, SHALL BE EQUIPPED WITH A FUNCTIONAL IGNITION INTERLOCK DEVICE OF A TYPE AND SPECIFICATION AS CERTIFIED BY THE COMMISSIONER OF HEALTH PURSUANT TO SUBDIVISION SIX OF SECTION ELEVEN HUNDRED NINETY-EIGHT OF THIS ARTICLE.

2. IGNITION INTERLOCKING DEVICES FOR EXISTING MOTOR VEHICLES REGISTERED IN THE STATE. ANY MOTOR VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER, SHALL BY DECEMBER THIRTY-FIRST, TWO THOUSAND THIRTEEN BE RETROFITTED SO THAT ALL SUCH VEHICLES ARE EQUIPPED WITH AN IGNITION INTERLOCKING DEVICE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

3. FOR THE PURPOSES OF THIS SECTION, THE TERM "IGNITION INTERLOCKING DEVICE" SHALL MEAN 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 AN ESSENTIAL DEEP LUNG BREATH SAMPLE THAT THE OPERATOR'S EQUIVALENT BREATH ALCOHOL LEVEL DOES NOT EXCEED THE CALIBRATED SETTING ON SUCH DEVICE.

S 2. This act shall take effect immediately.

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

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