

5386

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. MAISEL, ROSENTHAL, EDDINGTON, DeLMONTE, ZEBROWSKI, GUNTHER, HOYT, DINOWITZ, ORTIZ, FIELDS, MARKEY, KOON -- Multi-Sponsored by -- M. of A. BRENNAN, GALEF, GORDON, HIKIND, MAYERSOHN, SCHIMEL, SEMINERIO, SWEENEY, TOWNS, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the definition of "drug"

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

1 Section 1. Section 114-a of the vehicle and traffic law, as added by
2 chapter 163 of the laws of 1973, is amended to read as follows:
3 S 114-a. Drug. The term "drug" when used in this chapter, means and
4 includes any substance listed in section thirty-three hundred six of the
5 public health law, AND ANY HAZARDOUS INHALANTS AND GLUE CONTAINING A
6 SOLVENT HAVING THE PROPERTY OF RELEASING TOXIC VAPORS AND FUMES, AS
7 DEFINED IN SECTION THIRTY-THREE HUNDRED EIGHTY OF SUCH LAW.
8 S 2. Subdivision 5 of section 509-a of the vehicle and traffic law, as
9 added by chapter 675 of the laws of 1985, is amended to read as follows:
10 (5) drug shall mean any substance listed in section thirty-three
11 hundred six of the public health law not dispensed or consumed pursuant
12 to a lawful prescription, AND ANY HAZARDOUS INHALANTS AND GLUE CONTAIN-
13 ING A SOLVENT HAVING THE PROPERTY OF RELEASING TOXIC VAPORS AND FUMES,
14 AS DEFINED IN SECTION THIRTY-THREE HUNDRED EIGHTY OF SUCH LAW;
15 S 3. Subdivision 1 of section 510-a of the vehicle and traffic law, as
16 amended by section 13 of part E of chapter 60 of the laws of 2005, is
17 amended to read as follows:
18 1. Revocation. A commercial driver's license shall be revoked by the
19 commissioner whenever the holder is convicted within or outside of this
20 state (a) of a felony involving the use of a motor vehicle except a
21 felony as described in paragraph (b) of this subdivision; (b) of a felo-
22 ny involving manufacturing, distributing or dispensing a drug [as

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

LBD07178-01-9

1 defined in], WHICH, NOTWITHSTANDING section one hundred fourteen-a of
2 this chapter, SHALL MEAN AND INCLUDE ANY SUBSTANCE LISTED IN SECTION
3 THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW, or possession of any
4 such drug with intent to manufacture, distribute or dispense such drug
5 in which a motor vehicle was used; (c) of a violation of subdivision one
6 or two of section six hundred of this chapter; (d) of operating a
7 commercial motor vehicle when, as a result of prior violations committed
8 while operating a commercial motor vehicle, the driver's commercial
9 driver's license is revoked, suspended, or canceled, or the driver is
10 disqualified from operating a commercial motor vehicle; (e) or has been
11 convicted of causing a fatality through the negligent operation of a
12 commercial motor vehicle, including but not limited to the crimes of
13 vehicular manslaughter or criminally negligent homicide.
14 S 4. This act shall take effect on the thirtieth day after it shall
15 have become a law.