

3397

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

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

AN ACT to amend the vehicle and traffic law, in relation to the defini-
tion of "drug"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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
23 defined in], WHICH, NOTWITHSTANDING section one hundred fourteen-a of
24 this chapter, SHALL MEAN AND INCLUDE ANY SUBSTANCE LISTED IN SECTION
25 THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW, or possession of any

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

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1 such drug with intent to manufacture, distribute or dispense such drug
2 in which a motor vehicle was used; (c) of a violation of subdivision one
3 or two of section six hundred of this chapter; (d) of operating a
4 commercial motor vehicle when, as a result of prior violations committed
5 while operating a commercial motor vehicle, the driver's commercial
6 driver's license is revoked, suspended, or canceled, or the driver is
7 disqualified from operating a commercial motor vehicle; (e) or has been
8 convicted of causing a fatality through the negligent operation of a
9 commercial motor vehicle, including but not limited to the crimes of
10 vehicular manslaughter or criminally negligent homicide.
11 S 4. This act shall take effect on the thirtieth day after it shall
12 have become a law.