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

7192

2011-2012 Regular Sessions

I N A S S E M B L Y

April 15, 2011

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

AN ACT to amend the vehicle and traffic law, in relation to driving while ability impaired by fatigue and aggravated driving while ability impaired by fatigue

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 1212-a to read as follows:

S 1212-A. DRIVING WHILE ABILITY IMPAIRED BY FATIGUE; AGGRAVATED DRIVING WHILE ABILITY IMPAIRED BY FATIGUE. (A) DRIVING WHILE ABILITY IMPAIRED BY FATIGUE. A PERSON COMMITS THE OFFENSE OF DRIVING WHILE ABILITY IMPAIRED BY FATIGUE WHEN HE OR SHE DRIVES, OPERATES OR USES ANY MOTOR VEHICLE, MOTORCYCLE OR ANY OTHER VEHICLE PROPELLED BY ANY POWER OTHER THAN MUSCULAR POWER OR ANY APPLIANCE OR ACCESSORY THEREOF WHILE HIS OR HER ABILITY OR ALERTNESS IS SO IMPAIRED, OR SO LIKELY TO BECOME IMPAIRED, THROUGH FATIGUE AS TO MAKE IT UNSAFE FOR HIM OR HER TO BEGIN OR CONTINUE TO OPERATE SAID MOTOR VEHICLE, MOTORCYCLE OR ANY OTHER VEHICLE PROPELLED BY ANY POWER OTHER THAN MUSCULAR POWER OR ANY APPLIANCE OR ACCESSORY THEREOF. DRIVING WHILE ABILITY IMPAIRED BY FATIGUE IS PROHIBITED.

(B) AGGRAVATED DRIVING WHILE ABILITY IMPAIRED BY FATIGUE. A PERSON COMMITS THE OFFENSE OF AGGRAVATED DRIVING WHILE ABILITY IMPAIRED WHEN HE OR SHE COMMITS THE OFFENSE OF DRIVING WHILE ABILITY IMPAIRED BY FATIGUE AS DEFINED IN SUBDIVISION (A) OF THIS SECTION AND HE OR SHE THEREBY CAUSES: (I) SERIOUS PHYSICAL INJURY AS DEFINED IN SUBDIVISION TEN OF SECTION 10.00 OF THE PENAL LAW; OR (II) THE DEATH OF ANY PERSON. AGGRAVATED DRIVING WHILE ABILITY IMPAIRED BY FATIGUE IS PROHIBITED. AGGRAVATED DRIVING WHILE ABILITY IMPAIRED IS A MISDEMEANOR.

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

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

LBD10659-01-1