

7615

2011-2012 Regular Sessions

I N A S S E M B L Y

May 11, 2011

Introduced by M. of A. GANTT -- read once and referred 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:

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

4 (a) Driving while ability impaired. A violation of subdivision one of
5 section eleven hundred ninety-two of this article shall be a traffic
6 infraction and shall be punishable by a fine of not less than three
7 hundred dollars nor more than five hundred dollars or by imprisonment in
8 a penitentiary or county jail for not more than fifteen days, or by both
9 such fine and imprisonment. A person who operates a vehicle in violation
10 of such subdivision after having been convicted of a violation of any
11 subdivision of section eleven hundred ninety-two of this article within
12 the preceding five years shall be GUILTY OF A MISDEMEANOR, AND SHALL BE
13 punished by a fine of not less than [five] SEVEN hundred FIFTY dollars
14 nor more than [seven hundred fifty] ONE THOUSAND dollars, or by impri-
15 sonment of not more than [thirty] NINETY days in a penitentiary or coun-
16 ty jail or by both such fine and imprisonment. A person who operates a
17 vehicle in violation of such subdivision after having been convicted two
18 or more times of a violation of any subdivision of section eleven
19 hundred ninety-two of this article within the preceding ten years shall
20 be guilty of a misdemeanor, and shall be punished by a fine of not less
21 than [seven hundred fifty] ONE THOUSAND dollars nor more than [fifteen
22 hundred] TWO THOUSAND dollars, or by imprisonment of not more than one
23 hundred eighty days in a penitentiary or county jail or by both such
24 fine and imprisonment.

25 S 2. This act shall take effect on the first of November next succeed-
26 ing 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.

LBD05877-01-1