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

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2011-2012 Regular Sessions

I N  A S S E M B L Y

June 9, 2011

Introduced by M. of A. LAVINE, MAISEL, WEISENBERG, CERETTO, P. RIVERA, BURLING, RAIA, GUNTHER, McKEVITT, N. RIVERA, SCHIMEL, GALEF, MILLMAN -- Multi-Sponsored by -- M. of A. ARROYO, CONTE, CROUCH, SWEENEY, THIELE -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, the education law and the state finance law, in relation to sanctions for underage driving while intoxicated

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

Section 1. Subparagraphs 6 and 7 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by chapter 287 of the laws of 2000, are amended to read as follows:

(6) Persons under the age of twenty-one. One year OR UNTIL THE HOLDER REACHES THE AGE OF TWENTY-ONE, WHICHEVER IS THE GREATER PERIOD OF TIME, where the holder is convicted of or adjudicated a youthful offender for a violation of any subdivision of section eleven hundred ninety-two of this article, or is convicted of or receives a youthful offender or other juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction, or youthful offender or other juvenile adjudication was had outside this state, where such person was under the age of twenty-one at the time of commission of such violation. NOTWITHSTANDING PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION, THE FINE UNDER THIS SUBPARAGRAPH SHALL BE NO LESS THAN FIVE HUNDRED DOLLARS, WHICH SHALL BE DEPOSITED IN THE PREVENT YOUTH DWI FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW. IN ADDITION SUCH OFFENDER SHALL BE REQUIRED TO RETAKE AND SUCCESSFULLY COMPLETE THE ROAD TEST REQUIRED IN PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED TWO OF THIS CHAPTER.

(7) Persons under the age of twenty-one; prior offense or finding. [One year or until the holder reaches the age of twenty-one, whichever is the greater period of time] THREE YEARS, where the holder has been

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

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found to have operated a motor vehicle after having consumed alcohol in violation of section eleven hundred ninety-two-a of this article, or is convicted of, or adjudicated a youthful offender for, a violation of any subdivision of section eleven hundred ninety-two of this article, or is convicted of or receives a youthful offender or juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor where the conviction, or youthful offender or other juvenile adjudication was had outside this state, where such person was under the age of twenty-one at the time of commission of such violation and has previously been found to have operated a motor vehicle after having consumed alcohol in violation of section eleven hundred ninety-two-a of this article, or has previously been convicted of, or adjudicated a youthful offender for, any violation of section eleven hundred ninety-two of this article not arising out of the same incident, or has previously been convicted of or received a youthful offender or juvenile adjudication for an offense consisting of operating a motor vehicle under the influence of intoxicating liquor when the conviction, or youthful offender or other juvenile adjudication was had outside this state and not arising out of the same. NOTWITHSTANDING PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION, THE FINE UNDER THIS SUBPARAGRAPH SHALL BE NO LESS THAN FIVE HUNDRED DOLLARS, WHICH SHALL BE DEPOSITED IN THE PREVENT YOUTH DWI FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW. IN ADDITION SUCH OFFENDER SHALL BE REQUIRED TO RETAKE AND SUCCESSFULLY COMPLETE THE ROAD TEST REQUIRED IN PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED TWO OF THIS CHAPTER.

S 2. Subdivision 1 of section 806-a of the education law, as amended by chapter 644 of the laws of 2002, is amended to read as follows:

1. Notwithstanding any other provision of law, all school districts providing instruction in driver education shall include in such instruction: (a) a driver safety component with an emphasis on the effects of alcohol and drug use, (b) instruction in motorcycle safety awareness. [The] IN ALL SCHOOL DISTRICTS, THE commissioner, [upon approval by] IN CONSULTATION WITH the commissioner of motor vehicles, shall establish a curriculum [for the alcohol and drug education component which shall include but not be limited to:] OF instruction [describing] DETAILING the hazards of driving while impaired or intoxicated; the penalties for alcohol related motor vehicle violations including sanctions set forth in the penal law that apply to homicides and assaults arising out of the operation of a motor vehicle while intoxicated and those sanctions set forth in the vehicle and traffic law relating to driving while intoxicated; and the medical, biological and physiological effects of the consumption of alcohol and their impact on the operation of a motor vehicle.

S 3. The state finance law is amended by adding a new section 99-u to read as follows:

S 99-U. PREVENT YOUTH DWI FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE AN ACCOUNT TO BE KNOWN AS THE PREVENT YOUTH DWI FUND.

2. SUCH ACCOUNT SHALL CONSIST OF ALL REVENUES GENERATED PURSUANT TO SUBPARAGRAPHS SIX AND SEVEN OF PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-THREE OF THE VEHICLE AND TRAFFIC LAW AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE SHALL BE MADE AVAILABLE TO THE STATE EDUCATION DEPARTMENT FOR THE PURPOSES OF SUPPORTING PROGRAMS THAT EDUCATE STUDENTS ABOUT THE HAZARDS

OF DRIVING WHILE IMPAIRED OR INTOXICATED AND THE PENALTIES FOR ALCOHOL RELATED MOTOR VEHICLE VIOLATIONS INCLUDING SANCTIONS SET FORTH IN THE PENAL LAW, AS REQUIRED BY SECTION EIGHT HUNDRED SIX-A OF THE EDUCATION LAW. MONEY SHALL BE PAID OUT OF THE ACCOUNT ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE STATE EDUCATION DEPARTMENT.

S 4. This act shall take effect immediately.