

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MAZIARZ, ALESI, FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the education law, in relation to mandating ignition interlock devices for school buses

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

- 1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 375-b to read as follows:
3 S 375-B. IGNITION INTERLOCK DEVICES FOR SCHOOL BUSES. 1. EVERY SCHOOL
4 BUS, AS DEFINED IN SECTION ONE HUNDRED FORTY-TWO OF THIS CHAPTER, MANU-
5 FACTURED FOR USE IN THIS STATE ON AND AFTER JULY FIRST, TWO THOUSAND
6 THIRTEEN, SHALL BE EQUIPPED WITH A FUNCTIONING IGNITION INTERLOCK DEVICE
7 OF A TYPE AND SPECIFICATION AS APPROVED BY THE NATIONAL HIGHWAY TRAFFIC
8 SAFETY ADMINISTRATION AND THE COMMISSIONER OF TRANSPORTATION THROUGH THE
9 ADOPTION OF RULES AND REGULATIONS. SUCH RULES AND REGULATIONS SHALL
10 INCLUDE PROVISIONS FOR SETTING THE CALIBRATION AND SHALL INCLUDE, BUT
11 NOT BE LIMITED TO, REQUIREMENTS THAT THE DEVICES:
12 (A) HAVE FEATURES THAT MAKE CIRCUMVENTING DIFFICULT AND THAT DO NOT
13 INTERFERE WITH THE NORMAL OR SAFE OPERATION OF THE VEHICLE;
14 (B) WORK ACCURATELY AND RELIABLY IN AN UNSUPERVISED ENVIRONMENT;
15 (C) RESIST TAMPERING AND GIVE EVIDENCE IF TAMPERING IS ATTEMPTED;
16 (D) MINIMIZE INCONVENIENCE TO A SOBER USER;
17 (E) OPERATE RELIABLY OVER THE RANGE OF AUTOMOBILE ENVIRONMENTS; AND
18 (F) ARE MANUFACTURED BY A PARTY COVERED BY PRODUCT LIABILITY INSUR-
19 ANCE.
20 2. ANY SCHOOL BUS AS DEFINED IN SECTION ONE HUNDRED FORTY-TWO OF THIS
21 CHAPTER, WHICH IS SCHEDULED FOR RETROFITTING PURSUANT TO ACTION BY A
22 BOARD OF EDUCATION OR BOARD OF TRUSTEES UNDER SECTION THIRTY-SIX HUNDRED
23 THIRTY-FIVE-D OF THE EDUCATION LAW SHALL BE RETROFITTED SO THAT ALL SUCH
24 VEHICLES ARE EQUIPPED WITH AN IGNITION INTERLOCKING DEVICE IN ACCORDANCE
25 WITH THE PROVISIONS OF THIS SECTION.

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

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1 3. FOR THE PURPOSES OF THIS SECTION, THE TERM "IGNITION INTERLOCKING
2 DEVICE" SHALL MEAN A DEVICE THAT CONNECTS TO A MOTOR VEHICLE IGNITION
3 SYSTEM AND PREVENTS THE OPERATION OF A MOTOR VEHICLE BY AN INTOXICATED
4 OR IMPAIRED PERSON.

5 S 2. The education law is amended by adding a new section 3635-d to
6 read as follows:

7 S 3635-D. IGNITION INTERLOCK DEVICE USAGE. 1. A BOARD OF EDUCATION OR
8 BOARD OF TRUSTEES MAY, IN ITS DISCRETION, FOLLOWING A PUBLIC HEARING FOR
9 THE PURPOSE OF DETERMINING WHETHER A RESOLUTION SHALL BE ADOPTED,
10 PROVIDE FOR THE USE OF IGNITION INTERLOCK DEVICES ON SCHOOL BUSES, IN
11 ACCORDANCE WITH REGULATIONS AND STANDARDS ESTABLISHED BY THE COMMISSION-
12 ER OF TRANSPORTATION UNDER SUBDIVISION ONE OF SECTION THREE HUNDRED
13 SEVENTY-FIVE-B OF THE VEHICLE AND TRAFFIC LAW.

14 2. SUCH PUBLIC HEARING, CONDUCTED UPON REASONABLE NOTICE, SHALL BE
15 HELD TO CONSIDER: (A) WHETHER THE DISTRICT SHALL INSTALL IGNITION INTER-
16 LOCK DEVICES ON BUSES PURCHASED AND/OR CONTRACTED FOR PRIOR TO THE
17 EFFECTIVE DATE OF THIS SECTION AND REQUIRE THEIR USE; (B) WHEN SUCH
18 INSTALLATION SHALL BE PROVIDED; AND (C) WHETHER USE OF IGNITION INTER-
19 LOCK DEVICES SHALL BE REQUIRED ON ALL SCHOOL BUSES WITHIN THE DISTRICT
20 SO EQUIPPED AFTER A DATE TO BE DETERMINED BY THE BOARD OF EDUCATION OR
21 BOARD OF TRUSTEES.

22 3. WITHIN TWENTY DAYS AFTER THE PUBLIC HEARING, THE BOARD OF EDUCATION
23 OR BOARD OF TRUSTEES SHALL, BY RESOLUTION, DETERMINE WHETHER TO REQUIRE
24 INSTALLATION AND USE OF IGNITION INTERLOCK DEVICES ON SOME OR ALL SCHOOL
25 BUSES.

26 4. THIS SECTION SHALL APPLY ONLY TO VEHICLES OWNED OR LEASED BY SCHOOL
27 DISTRICTS AND NONPUBLIC SCHOOLS, AND TO VEHICLES USED TO PERFORM
28 CONTRACTS WITH SUCH SCHOOL DISTRICTS AND NONPUBLIC SCHOOLS FOR THE
29 PURPOSE OF TRANSPORTING SCHOOL CHILDREN FOR HIRE.

30 5. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO IMPOSE A DUTY UPON
31 BOARDS OF EDUCATION OR BOARDS OF TRUSTEES TO PROVIDE IGNITION INTERLOCK
32 DEVICES ON SCHOOL BUSES PURCHASED OR CONTRACTED FOR PRIOR TO THE EFFEC-
33 TIVE DATE OF THIS SECTION, NOR SHALL ANY BOARD OF EDUCATION OR BOARD OF
34 TRUSTEES BE HELD LIABLE FOR FAILURE TO PROVIDE IGNITION INTERLOCK
35 DEVICES PURSUANT TO THIS SECTION. A SCHOOL BOARD MEMBER OR TRUSTEE SHALL
36 HAVE IMMUNITY FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MIGHT OTHERWISE
37 BE INCURRED OR IMPOSED AS A RESULT OF THE PROVISIONS OF THIS SECTION
38 PROVIDED THAT SUCH PERSON SHALL HAVE ACTED IN GOOD FAITH. FOR THE
39 PURPOSE OF ANY PROCEEDING, CIVIL OR CRIMINAL, THE GOOD FAITH OF ANY SUCH
40 PERSON SHALL BE PRESUMED.

41 6. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO SCHOOL DISTRICTS
42 THAT ARE USING IGNITION INTERLOCK DEVICES ON SCHOOL BUSES OR HAVE
43 INSTALLED OR HAVE CONTRACTED FOR THE INSTALLATION OF IGNITION INTERLOCK
44 DEVICES PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

45 S 3. Subdivision 2 of section 3623-a of the education law is amended
46 by adding a new paragraph f to read as follows:

47 F. EXPENSES INCURRED FOR IGNITION INTERLOCK DEVICES FOR SCHOOL BUSES
48 IN ACCORDANCE WITH SECTION THREE HUNDRED SEVENTY-FIVE-B OF THE VEHICLE
49 AND TRAFFIC LAW AND SECTION THIRTY-SIX HUNDRED THIRTY-FIVE-D OF THIS
50 ARTICLE, AS APPROVED PURSUANT TO REGULATIONS OF THE COMMISSIONER OF
51 TRANSPORTATION.

52 S 4. This act shall take effect July 1, 2013; provided, however, that
53 effective immediately, the addition, amendment and/or repeal of any rule
54 or regulation necessary for the implementation of this act on its effec-
55 tive date is authorized and directed to be made and completed on or
56 before such effective date.