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

8181

2011-2012 Regular Sessions

I N A S S E M B L Y

June 6, 2011

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

AN ACT to amend the vehicle and traffic law and the education law, in relation to school bus safety

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

Section 1. Subdivision (c) of section 1174 of the vehicle and traffic law, as amended by chapter 254 of the laws of 2002, is amended to read as follows:

(c) Every person convicted of a violation of subdivision (a) of this section shall: for a first conviction thereof, be punished by a fine of not less than two hundred fifty dollars nor more than four hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of three years, [such person shall be punished by a fine of not less than six hundred dollars nor more than seven hundred fifty dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment] SHALL CONSTITUTE A CLASS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS, IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW; upon a conviction of a third or subsequent violation, all of which were committed within a period of three years, [such person shall be punished by a fine of not less than seven hundred fifty dollars nor more than one thousand dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment] SUCH PERSON SHALL BE GUILTY OF A CLASS E FELONY PUNISHABLE BY A FINE OF NOT LESS THAN ONE THOUSAND NOR MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW. ANY VIOLATION OF SUBDIVISION (A) OF THIS SECTION THAT RESULTS IN SERIOUS PHYSICAL INJURY OR DEATH SHALL CONSTITUTE A CLASS E FELONY, PUNISHABLE

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

LBD11680-01-1

BY A FINE OF NOT LESS THAN ONE THOUSAND NOR MORE THAN FIVE THOUSAND DOLLARS IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

S 2. Subdivision 4 of section 509-cc of the vehicle and traffic law, as added by chapter 675 of the laws of 1985, paragraph (a) as amended by chapter 93 of the laws of 2006, paragraph (b) as amended by chapter 360 of the laws of 1986, and paragraph (c) as amended by chapter 405 of the laws of 2010, is amended to read as follows:

(4) (a) The offenses referred to in subparagraph (ii) of paragraph (a) of subdivision one and paragraph (a) of subdivision two of this section that result in permanent disqualification shall include a conviction under [sections] SECTION 120.02, 120.12, 125.12, 125.20, 125.25, 125.26, 125.27, 130.20, 130.25, 130.30, 130.35, 130.45, 130.50, 130.52, 130.53, 130.60, 130.65, 130.66, 130.67, 130.70, 130.75, 130.80, 130.85, 130.95, 130.96, 135.25, 150.20, 230.20, 230.25, 230.30, 230.32, 230.40, 235.21, 235.22, 260.20, 260.21, 263.05, 263.10, 263.11, 263.15, OR 263.16 of the penal law or an attempt to commit any of the aforesaid offenses under section 110.00 of the penal law, or any offenses committed under a former section of the penal law which would constitute violations of the aforesaid sections of the penal law, or any offenses committed outside this state which would constitute violations of the aforesaid sections of the penal law.

(b) The offenses referred to in subparagraph (ii) of paragraph (a) of subdivision one and paragraph (b) of subdivision two of this section that result in permanent disqualification shall include a conviction under sections 100.13, 105.15, 105.17, 115.08, 125.10, 125.15, 130.40, [130.60, 130.65,] 135.20, 160.15, 220.18, 220.21, 220.39, 220.41, 220.43, 260.00, 263.05, 263.10, 263.15, 265.04 of the penal law or an attempt to commit any of the aforesaid offenses under section 110.00 of the penal law, or any offenses committed under a former section of the penal law which would constitute violations of the aforesaid sections of the penal law, or any offenses committed outside this state which would constitute violations of the aforesaid sections of the penal law.

(c) The offenses referred to in subparagraph (i) of paragraph (b) of subdivision one and subparagraph (i) of paragraph (c) of subdivision two of this section that result in disqualification for a period of five years shall include a conviction under sections 100.10, 105.13, 115.05, 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.13, 120.14, 120.25, 121.12, 121.13, 125.13, 125.14, 125.40, 125.45, 130.20, 130.25, 130.55, 135.10, 135.55, 140.17, 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09, 220.16, 220.31, 220.34, 220.39, 220.41, 220.43, 220.44, 220.60, 221.30, 221.50, 221.55, 230.00, 230.05, 230.06, [230.20, 230.25, 230.30, 230.32,] 235.05, 235.06, 235.07, [235.21,] 240.06, 240.30, 240.31, 245.00, 260.10, [subdivision two of section 260.20] and sections 260.25, 265.02, 265.03, 265.08, 265.09, 265.10, 265.12, 265.35 of the penal law or an attempt to commit any of the aforesaid offenses under section 110.00 of the penal law, or any similar offenses committed under a former section of the penal law, or any offenses committed under a former section of the penal law which would constitute violations of the aforesaid sections of the penal law, or any offenses committed outside this state which would constitute violations of the aforesaid sections of the penal law.

S 3. Subdivision 1 of section 2801-a of the education law, as amended by chapter 380 of the laws of 2001, is amended to read as follows:

1. The board of education or trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county

vocational education and extension board and the chancellor of the city school district of the city of New York shall adopt and amend a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response and management, provided that in the city school district of the city of New York, such plans shall be adopted by the chancellor of the city school district. Such plans shall be developed by a district-wide school safety team and a building-level school safety team established pursuant to subdivision four of this section and shall be in a form developed by the commissioner in consultation with the division of criminal justice services, the superintendent of the state police and any other appropriate state agencies. SUCH PLANS SHALL INCLUDE A SPECIFIC DESCRIPTION OF THE DISTRICT'S EMERGENCY RESPONSE PREPAREDNESS PLAN IN THE EVENT THAT A CRISIS OR EMERGENCY ARISES WHEN CHILDREN ARE BEING TRANSPORTED BY A DISTRICT. A school district having only one school building, shall develop a single building-level school safety plan, which shall also fulfill all requirements for development of a district-wide plan.

S 4. Paragraph (b) of subdivision 1 of section 509-cc of the vehicle and traffic law, as added by chapter 675 of the laws of 1985, subparagraph (i) as amended by section 27 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

(b) for a period of [five] TEN years from the date of last conviction specified herein, if that person

(i) has been convicted within the preceding [five] TEN years of an offense listed in paragraph (c) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualification shall be waived provided that the applicant has been granted a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate;

(ii) has been convicted of any violation of section eleven hundred ninety-two of this chapter or an offense committed outside this state which would constitute a violation of section eleven hundred ninety-two of this chapter, and the offense was committed while the driver was driving a bus in the employ of a motor carrier or in the furtherance of a commercial enterprise in interstate, intrastate or foreign commerce;

(iii) has been twice convicted of a violation of any subdivision of section eleven hundred ninety-two of this chapter or offenses committed outside this state which would constitute a violation of section eleven hundred ninety-two of this chapter, committed within the preceding [five] TEN year period;

(iv) has been twice convicted of a violation of any subdivision of section eleven hundred ninety-two of this chapter, or an offense committed outside of this state which would constitute a violation of any subdivision of section one thousand one hundred ninety-two of this chapter, committed within any ten year period after September fifteenth, nineteen hundred eighty-five; or

(v) has been convicted of leaving the scene of an accident which resulted in personal injury or death under section six hundred of this

chapter or an offense committed outside of this state which would constitute a violation of section six hundred of this chapter.

S 5. The opening paragraph and subparagraph (i) of paragraph (c) of subdivision 2 of section 509-cc of the vehicle and traffic law, the opening paragraph as added by chapter 675 of the laws of 1985, subparagraph (i) as amended by section 28 of part LL of chapter 56 of the laws of 2010, are amended to read as follows:

for a period of [five] TEN years from the date of last conviction specified herein, if that person

(i) has been convicted within the preceding [five] TEN years of an offense listed in paragraph (c) of subdivision four of this section. [However, notwithstanding the provisions of subdivision three of section seven hundred one of the correction law.] Such disqualification shall be waived provided that the applicant has been granted a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate.

S 6. This act shall take effect immediately.