

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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

AN ACT to amend the vehicle and traffic law, in relation to the defini-
tions of the terms "impaired" and "intoxication" for the purposes of
such law

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

1 Section 1. Section 119-b of the vehicle and traffic law is renumbered
2 119-c and a new section 119-b is added to read as follows:

3 S 119-B. IMPAIRED. IMPAIRMENT IS REACHED WHEN A DRIVER HAS VOLUNTARILY
4 CONSUMED OR INGESTED A SUBSTANCE OR COMBINATION OF SUBSTANCES TO THE
5 EXTENT THAT THE DRIVER HAS IMPAIRED, TO ANY EXTENT, THE PHYSICAL AND
6 MENTAL ABILITIES WHICH A DRIVER IS EXPECTED TO POSSESS IN ORDER TO OPER-
7 ATE A VEHICLE AS A REASONABLE AND PRUDENT DRIVER.

8 S 2. The vehicle and traffic law is amended by adding a new section
9 120-a to read as follows:

10 S 120-A. INTOXICATION. INTOXICATION IS A GREATER DEGREE OF IMPAIRMENT
11 WHICH IS REACHED WHEN A DRIVER HAS VOLUNTARILY CONSUMED OR INGESTED A
12 SUBSTANCE OR COMBINATION OF SUBSTANCES TO THE EXTENT THAT THE DRIVER IS
13 INCAPABLE OF EMPLOYING THE PHYSICAL AND MENTAL ABILITIES WHICH A DRIVER
14 IS EXPECTED TO POSSESS IN ORDER TO OPERATE A VEHICLE AS A REASONABLE AND
15 PRUDENT DRIVER.

16 S 3. This act shall take effect on the first of November next succeed-
17 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.

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