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

747

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. YOUNG, DeFRANCISCO, RANZENHOFER -- 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, in relation to the definition of "drug"

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

Section 1. Section 114-a of the vehicle and traffic law, as added by chapter 163 of the laws of 1973, is amended to read as follows:

S 114-a. Drug. The term "drug" when used in this chapter, means and includes any substance listed in section thirty-three hundred six of the public health law, AND ANY HAZARDOUS INHALANTS AND GLUE CONTAINING A SOLVENT HAVING THE PROPERTY OF RELEASING TOXIC VAPORS AND FUMES, AS DEFINED IN SECTION THIRTY-THREE HUNDRED EIGHTY OF SUCH LAW.

S 2. Subdivision 5 of section 509-a of the vehicle and traffic law, as added by chapter 675 of the laws of 1985, is amended to read as follows:

(5) drug shall mean any substance listed in section thirty-three hundred six of the public health law not dispensed or consumed pursuant to a lawful prescription, AND ANY HAZARDOUS INHALANTS AND GLUE CONTAINING A SOLVENT HAVING THE PROPERTY OF RELEASING TOXIC VAPORS AND FUMES, AS DEFINED IN SECTION THIRTY-THREE HUNDRED EIGHTY OF SUCH LAW;

S 3. Subdivision 1 of section 510-a of the vehicle and traffic law, as amended by section 13 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

1. Revocation. A commercial driver's license shall be revoked by the commissioner whenever the holder is convicted within or outside of this state (a) of a felony involving the use of a motor vehicle except a felony as described in paragraph (b) of this subdivision; (b) of a felony involving manufacturing, distributing or dispensing a drug [as defined in], WHICH, NOTWITHSTANDING section one hundred fourteen-a of

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

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this chapter, SHALL MEAN AND INCLUDE ANY SUBSTANCE LISTED IN SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW, or possession of any such drug with intent to manufacture, distribute or dispense such drug in which a motor vehicle was used; (c) of a violation of subdivision one or two of section six hundred of this chapter; (d) of operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle; (e) or has been convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular manslaughter or criminally negligent homicide.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.