

1862

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. MONTESANO -- 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 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     FIFTEEN, 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.  
26    3. FOR THE PURPOSES OF THIS SECTION, THE TERM "IGNITION INTERLOCKING  
27    DEVICE" SHALL MEAN A DEVICE THAT CONNECTS TO A MOTOR VEHICLE IGNITION

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

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1 SYSTEM AND PREVENTS THE OPERATION OF A MOTOR VEHICLE BY AN INTOXICATED  
2 OR IMPAIRED PERSON.

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

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

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

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

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

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

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

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

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

50 S 4. This act shall take effect July 1, 2015; provided, however, that  
51 effective immediately, the addition, amendment and/or repeal of any rule  
52 or regulation necessary for the implementation of this act on its effec-  
53 tive date is authorized and directed to be made and completed on or  
54 before such effective date.