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

1862

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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:

Section 1. The vehicle and traffic law is amended by adding a new section 375-b to read as follows:

S 375-B. IGNITION INTERLOCK DEVICES FOR SCHOOL BUSES. 1. EVERY SCHOOL BUS, AS DEFINED IN SECTION ONE HUNDRED FORTY-TWO OF THIS CHAPTER, MANUFACTURED FOR USE IN THIS STATE ON AND AFTER JULY FIRST, TWO THOUSAND FIFTEEN, SHALL BE EQUIPPED WITH A FUNCTIONING IGNITION INTERLOCK DEVICE OF A TYPE AND SPECIFICATION AS APPROVED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AND THE COMMISSIONER OF TRANSPORTATION THROUGH THE ADOPTION OF RULES AND REGULATIONS. SUCH RULES AND REGULATIONS SHALL INCLUDE PROVISIONS FOR SETTING THE CALIBRATION AND SHALL INCLUDE, BUT NOT BE LIMITED TO, REQUIREMENTS THAT THE DEVICES:

(A) HAVE FEATURES THAT MAKE CIRCUMVENTING DIFFICULT AND THAT DO NOT INTERFERE WITH THE NORMAL OR SAFE OPERATION OF THE VEHICLE;

(B) WORK ACCURATELY AND RELIABLY IN AN UNSUPERVISED ENVIRONMENT;

(C) RESIST TAMPERING AND GIVE EVIDENCE IF TAMPERING IS ATTEMPTED;

(D) MINIMIZE INCONVENIENCE TO A SOBER USER;

(E) OPERATE RELIABLY OVER THE RANGE OF AUTOMOBILE ENVIRONMENTS; AND

(F) ARE MANUFACTURED BY A PARTY COVERED BY PRODUCT LIABILITY INSURANCE.

2. ANY SCHOOL BUS AS DEFINED IN SECTION ONE HUNDRED FORTY-TWO OF THIS CHAPTER, WHICH IS SCHEDULED FOR RETROFITTING PURSUANT TO ACTION BY A BOARD OF EDUCATION OR BOARD OF TRUSTEES UNDER SECTION THIRTY-SIX HUNDRED THIRTY-FIVE-D OF THE EDUCATION LAW SHALL BE RETROFITTED SO THAT ALL SUCH VEHICLES ARE EQUIPPED WITH AN IGNITION INTERLOCKING DEVICE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

3. FOR THE PURPOSES OF THIS SECTION, THE TERM "IGNITION INTERLOCKING 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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SYSTEM AND PREVENTS THE OPERATION OF A MOTOR VEHICLE BY AN INTOXICATED OR IMPAIRED PERSON.

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

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

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

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

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

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

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

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

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

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