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

7331

2013-2014 Regular Sessions

I N  A S S E M B L Y

May 10, 2013

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

AN ACT to amend the vehicle and traffic law, in relation to requiring persons convicted of an alcohol related driving offense to carry disposable breathalyzers; and to amend the alcoholic beverage control law, in relation to requiring certain establishments to make disposable breathalyzers available to customers

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

Section 1. Section 1193 of the vehicle and traffic law is amended by adding a new subdivision 3 to read as follows:

3. DISPOSABLE BREATHALYZERS. IN ADDITION TO THE IMPOSITION OF ANY FINE OR PERIOD OF IMPRISONMENT SET FORTH IN THIS SECTION, THE COURT SHALL ALSO REQUIRE SUCH PERSON CONVICTED OF A VIOLATION OF ANY PROVISION OF SECTION ELEVEN HUNDRED NINETY-TWO OR ELEVEN HUNDRED NINETY-TWO-A OF THIS ARTICLE TO CARRY NO FEWER THAN TWO SINGLE USE DISPOSABLE BREATHALYZERS IN ANY MOTOR VEHICLE SUCH PERSON IS OPERATING FOR A PERIOD OF TEN YEARS FROM THE DATE OF SUCH CONVICTION. ANY PERSON SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION WHO OPERATES A MOTOR VEHICLE IN VIOLATION OF THIS SUBDIVISION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS.

S 2. The alcoholic beverage control law is amended by adding a new section 132 to read as follows:

S 132. DISPOSABLE BREATHALYZERS. 1. ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, CORPORATION OR OTHER BUSINESS ENTITY DOING BUSINESS IN THIS STATE WHO HOLDS ANY LICENSE TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES SHALL MAKE A SINGLE USE DISPOSABLE BREATHALYZER AVAILABLE TO ANY CUSTOMER AT SUCH PREMISES FOR USE BY SUCH CUSTOMER UPON REQUEST. SUCH BUSINESS ENTITY MAY CHARGE A NOMINAL FEE FOR SUCH BREATHALYZER, PROVIDED THAT IN NO EVENT SHALL SUCH FEE BE MORE THAN THE PRICE PAID BY SUCH BUSINESS ENTITY FOR SUCH BREATHALYZER.

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

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2. ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, CORPORATION OR OTHER BUSINESS ENTITY WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.