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

1435

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the vehicle and traffic law, in relation to the penalties for operating a motor vehicle while under the influence of alcohol or drugs

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

Section 1. Paragraph (a) of subdivision 1 of section 1193 of the vehicle and traffic law, as amended by chapter 75 of the laws of 1994, is amended to read as follows:

(a) Driving while ability impaired. A violation of subdivision one of section eleven hundred ninety-two of this article shall be a traffic infraction and shall be punishable by a fine of not less than three hundred dollars nor more than five hundred dollars or by imprisonment in a penitentiary or county jail for not more than fifteen days, or by both such fine and imprisonment. A person who operates a vehicle in violation of such subdivision after having been convicted of a violation of any subdivision of section eleven hundred ninety-two of this article within the preceding five years shall be GUILTY OF A MISDEMEANOR, AND SHALL BE punished by a fine of not less than [five] SEVEN hundred FIFTY dollars nor more than [seven hundred fifty] ONE THOUSAND dollars, or by imprisonment of not more than [thirty] NINETY days in a penitentiary or county jail or by both such fine and imprisonment. A person who operates a vehicle in violation of such subdivision after having been convicted two or more times of a violation of any subdivision of section eleven hundred ninety-two of this article within the preceding ten years shall be guilty of a misdemeanor, and shall be punished by a fine of not less than [seven hundred fifty] ONE THOUSAND dollars nor more than [fifteen hundred] TWO THOUSAND dollars, or by imprisonment of not more than one

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

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hundred eighty days in a penitentiary or county jail or by both such fine and imprisonment.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.