

734

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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Introduced by Sen. MARCELLINO -- 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 criminaliz-  
ing the operation of a school bus by a person having any amount of  
alcohol in his or her blood and providing sanctions for violations

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

1     Section 1. Section 1192 of the vehicle and traffic law is amended by  
2     adding a new subdivision 6-a to read as follows:  
3     6-A. SCHOOL BUSES: PER SE. NOTWITHSTANDING THE PROVISIONS OF SECTION  
4     ELEVEN HUNDRED NINETY-FIVE OF THIS ARTICLE, NO PERSON SHALL OPERATE A  
5     SCHOOL BUS WHILE SUCH PERSON HAS ANY AMOUNT OF ALCOHOL IN THE PERSON'S  
6     BLOOD AS SHOWN BY CHEMICAL ANALYSIS OF SUCH PERSON'S BLOOD, BREATH,  
7     URINE OR SALIVA, MADE PURSUANT TO THE PROVISIONS OF SECTION ELEVEN  
8     HUNDRED NINETY-FOUR OF THIS ARTICLE.  
9     S 2. Subparagraph 4-a of paragraph (d) of subdivision 1 and subpara-  
10    graph 4-a of paragraph (b) of subdivision 2 of section 1193 of the vehi-  
11    cle and traffic law, subparagraph 4-a and paragraph (d) of subdivision 1  
12    as amended by chapter 732 of the laws of 2006 and subparagraph 4-a of  
13    paragraph (b) of subdivision 2 as added by chapter 26 of the laws of  
14    1996, are amended to read as follows:  
15    (4-a) A violation of subdivision [two, three, four or four-a] SIX-A of  
16    section eleven hundred ninety-two of this article wherein the violator  
17    is operating a school bus as defined in section one hundred forty-two of  
18    this chapter and such school bus is carrying at least one student  
19    passenger shall be a class E felony punishable by a fine of not less  
20    than one thousand dollars nor more than five thousand dollars, or by a  
21    period of imprisonment as provided in the penal law, or by both such  
22    fine and imprisonment. [A violation of subdivision two-a of section  
23    eleven hundred ninety-two of this article wherein the violator is oper-

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

LBD02544-01-5

1     ating a school bus as defined in section one hundred forty-two of this  
2     chapter and such school bus is carrying at least one student passenger  
3     shall be a class D felony punishable by a fine of not less than two  
4     thousand dollars nor more than ten thousand dollars, or by a period of  
5     imprisonment as provided in the penal law, or by both such fine and  
6     imprisonment.]  
7     (4-a) School buses. (A) [One year, where the holder is convicted of a  
8     violation of any subdivision of section eleven hundred ninety-two of  
9     this article, such violation was committed while the holder was driving  
10    a school bus, and the holder is sentenced pursuant to subparagraph one,  
11    one-a or four-a of paragraph (d) of subdivision one of this section.  
12    (B)] Three years where the holder is convicted of a violation of any  
13    subdivision of section eleven hundred ninety-two of this article, such  
14    violation was committed while the holder was driving a school bus, and  
15    the holder is sentenced pursuant to subparagraph four of paragraph (d)  
16    of subdivision one of this section.  
17    [(C)] (B) Notwithstanding the provisions of the opening paragraph of  
18    this paragraph [(b)], the commissioner shall not revoke the registration  
19    of a school bus driven in violation of section eleven hundred ninety-two  
20    of this article.  
21    S 3. This act shall take effect on the ninetieth day after it shall  
22    have become a law.