

1095

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 8, 2015

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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:

1     Section 1. Paragraph (a) of subdivision 1 of section 1193 of the vehi-  
2     cle and traffic law, as amended by chapter 75 of the laws of 1994, is  
3     amended to read as follows:  
4     (a) Driving while ability impaired. A violation of subdivision one of  
5     section eleven hundred ninety-two of this article shall be a traffic  
6     infraction and shall be punishable by a fine of not less than three  
7     hundred dollars nor more than five hundred dollars or by imprisonment in  
8     a penitentiary or county jail for not more than fifteen days, or by both  
9     such fine and imprisonment. A person who operates a vehicle in violation  
10    of such subdivision after having been convicted of a violation of any  
11    subdivision of section eleven hundred ninety-two of this article within  
12    the preceding five years shall be GUILTY OF A MISDEMEANOR, AND SHALL BE  
13    punished by a fine of not less than [five] SEVEN hundred FIFTY dollars  
14    nor more than [seven hundred fifty] ONE THOUSAND dollars, or by impri-  
15    sonment of not more than [thirty] NINETY days in a penitentiary or coun-  
16    ty jail or by both such fine and imprisonment. A person who operates a  
17    vehicle in violation of such subdivision after having been convicted two  
18    or more times of a violation of any subdivision of section eleven  
19    hundred ninety-two of this article within the preceding ten years shall  
20    be guilty of a misdemeanor, and shall be punished by a fine of not less  
21    than [seven hundred fifty] ONE THOUSAND dollars nor more than [fifteen  
22    hundred] TWO THOUSAND dollars, or by imprisonment of not more than one  
23    hundred eighty days in a penitentiary or county jail or by both such  
24    fine and imprisonment.  
25    S 2. This act shall take effect on the first of November next succeed-  
26    ing the date on which it shall have become a law.

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

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