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

3730

2015-2016 Regular Sessions

I N S E N A T E

February 17, 2015

Introduced by Sen. LANZA -- 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 the definitions of the terms "impaired" and "intoxication" for the purposes of such law

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

Section 1. Section 119-b of the vehicle and traffic law is renumbered section 119-c and a new section 119-b is added to read as follows:

S 119-B. IMPAIRED. IMPAIRMENT IS REACHED WHEN A DRIVER HAS VOLUNTARILY CONSUMED OR INGESTED A SUBSTANCE OR COMBINATION OF SUBSTANCES TO THE EXTENT THAT THE DRIVER HAS IMPAIRED, TO ANY EXTENT, THE PHYSICAL AND MENTAL ABILITIES WHICH A DRIVER IS EXPECTED TO POSSESS IN ORDER TO OPERATE A VEHICLE AS A REASONABLE AND PRUDENT DRIVER.

S 2. The vehicle and traffic law is amended by adding a new section 120-a to read as follows:

S 120-A. INTOXICATION. INTOXICATION IS A GREATER DEGREE OF IMPAIRMENT WHICH IS REACHED WHEN A DRIVER HAS VOLUNTARILY CONSUMED OR INGESTED A SUBSTANCE OR COMBINATION OF SUBSTANCES TO THE EXTENT THAT THE DRIVER IS INCAPABLE OF EMPLOYING THE PHYSICAL AND MENTAL ABILITIES WHICH A DRIVER IS EXPECTED TO POSSESS IN ORDER TO OPERATE A VEHICLE AS A REASONABLE AND PRUDENT DRIVER.

S 3. Section 1192 of the vehicle and traffic law is amended by adding a new subdivision 13 to read as follows:

13. IT SHALL BE AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER ANY SUBDIVISION OF THIS SECTION THAT THE OPERATOR SUFFERED AN ALLERGIC REACTION OR MEDICAL EMERGENCY RATHER THAN BEING IMPAIRED BY THE SUBSTANCE OR COMBINATION OF SUBSTANCES. PROVIDED, HOWEVER, THAT NO DEFENSE SHALL BE AVAILABLE IF ANY SUCH CONSUMED OR INGESTED SUBSTANCE IS CONTAINED IN SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW.

S 4. This act shall take effect on the first of November next succeeding 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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