

3785

2015-2016 Regular Sessions

I N S E N A T E

February 17, 2015

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and
when printed to be committed to the Committee on Transportation

AN ACT to amend the navigation law, the parks, recreation and historic
preservation law and the vehicle and traffic law, in relation to the
effect of prior conviction for operation of certain vehicles while
intoxicated upon imposition of penalties for boating while intoxicated

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "Tiffany Heitkamp's law".
3 S 2. Section 49-a of the navigation law is amended by adding a new
4 subdivision 14 to read as follows:
5 14. EFFECT OF PRIOR CONVICTION FOR OPERATION OF A MOTOR VEHICLE, SNOW-
6 MOBILE, OR ALL TERRAIN VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR
7 DRUGS. A PRIOR CONVICTION FOR OPERATION OF A MOTOR VEHICLE WHILE UNDER
8 THE INFLUENCE OF ALCOHOL OR DRUGS PURSUANT TO SUBDIVISION ONE, TWO,
9 TWO-A, THREE, FOUR, FOUR-A, FIVE OR SIX OF SECTION ELEVEN HUNDRED NINE-
10 TY-TWO OF THE VEHICLE AND TRAFFIC LAW, A PRIOR CONVICTION FOR OPERATION
11 OF A SNOWMOBILE ON A STREET OR HIGHWAY WHILE UNDER THE INFLUENCE OF
12 ALCOHOL OR DRUGS PURSUANT TO SUBDIVISION ONE OF SECTION 25.24 OF THE
13 PARKS, RECREATION AND HISTORIC PRESERVATION LAW, OR A PRIOR CONVICTION
14 FOR OPERATION OF AN ALL TERRAIN VEHICLE WHILE IN AN INTOXICATED CONDI-
15 TION OR UNDER THE INFLUENCE OF NARCOTICS OR DRUGS PURSUANT TO PARAGRAPH
16 (H) OF SUBDIVISION ONE OF SECTION TWENTY-FOUR HUNDRED FOUR OF THE VEHI-
17 CLE AND TRAFFIC LAW SHALL BE DEEMED TO BE A PRIOR CONVICTION OF A
18 VIOLATION OF ANY SUBDIVISION OF THIS SECTION FOR PURPOSES OF DETERMINING
19 PENALTIES IMPOSED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF THIS
20 SECTION, AND SHALL BE DEEMED TO BE A PRIOR CONVICTION OF A VIOLATION OF
21 PARAGRAPH (B), (C), (D) OR (E) OF SUBDIVISION TWO OF THIS SECTION FOR
22 PURPOSES OF DETERMINING PENALTIES IMPOSED PURSUANT TO PARAGRAPH (F) OF
23 SUCH SUBDIVISION, AND SHALL BE DEEMED TO BE A PRIOR CONVICTION OF A

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

LBD01754-02-5

1 VIOLATION OF PARAGRAPH (B), (C), (D) OR (E) OF SUBDIVISION TWO OF THIS
2 SECTION FOR PURPOSES OF DETERMINING PENALTIES IMPOSED PURSUANT TO
3 SUBPARAGRAPH THREE OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS
4 SECTION.

5 S 3. Section 25.24 of the parks, recreation and historic preservation
6 law is amended by adding a new subdivision 4-a to read as follows:

7 4-A. A PRIOR CONVICTION FOR OPERATION OF A VESSEL WHILE UNDER THE
8 INFLUENCE OF ALCOHOL OR DRUGS PURSUANT TO SUBDIVISION TWO OF SECTION
9 FORTY-NINE-A OF THE NAVIGATION LAW, A PRIOR CONVICTION FOR OPERATION OF
10 A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PURSUANT
11 TO SUBDIVISION ONE, TWO, TWO-A, THREE, FOUR, FOUR-A, FIVE OR SIX OF
12 SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW, OR A
13 PRIOR CONVICTION FOR OPERATION OF AN ALL TERRAIN VEHICLE WHILE IN AN
14 INTOXICATED CONDITION OR UNDER THE INFLUENCE OF NARCOTICS OR DRUGS
15 PURSUANT TO PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION TWENTY-FOUR
16 HUNDRED FOUR OF THE VEHICLE AND TRAFFIC LAW SHALL BE DEEMED TO BE A
17 PRIOR CONVICTION OF PARAGRAPH (B), (C), OR (D) OF SUBDIVISION ONE OF
18 THIS SECTION OR OF OPERATING A SNOWMOBILE WHILE INTOXICATED OR UNDER THE
19 INFLUENCE OF DRUGS FOR PURPOSES OF DETERMINING PENALTIES IMPOSED PURSU-
20 ANT TO PARAGRAPH (E) OF SUBDIVISION ONE OF THIS SECTION AND SUBPARAGRAPH
21 THREE OF PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION, AND SHALL BE
22 DEEMED TO BE A PRIOR CONVICTION OF ANY PARAGRAPH OF SUBDIVISION ONE OF
23 THIS SECTION FOR PURPOSES OF DETERMINING PENALTIES IMPOSED PURSUANT TO
24 SUBPARAGRAPH ONE AND SUBPARAGRAPH TWO OF PARAGRAPH (D) OF SUBDIVISION
25 SIX OF THIS SECTION.

26 S 4. Section 1192 of the vehicle and traffic law is amended by adding
27 a new subdivision 8-b to read as follows:

28 8-B. EFFECT OF PRIOR CONVICTION FOR OPERATION OF A VESSEL, SNOWMOBILE,
29 OR ALL TERRAIN VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. A
30 PRIOR CONVICTION FOR OPERATION OF A VESSEL WHILE UNDER THE INFLUENCE OF
31 ALCOHOL OR DRUGS PURSUANT TO SUBDIVISION TWO OF SECTION FORTY-NINE-A OF
32 THE NAVIGATION LAW, A PRIOR CONVICTION FOR OPERATION OF A SNOWMOBILE ON
33 A STREET OR HIGHWAY WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS PURSU-
34 ANT TO SUBDIVISION ONE OF SECTION 25.24 OF THE PARKS, RECREATION AND
35 HISTORIC PRESERVATION LAW, OR A PRIOR CONVICTION FOR OPERATION OF AN ALL
36 TERRAIN VEHICLE WHILE IN AN INTOXICATED CONDITION OR UNDER THE INFLUENCE
37 OF NARCOTICS OR DRUGS PURSUANT TO PARAGRAPH (H) OF SUBDIVISION ONE OF
38 SECTION TWENTY-FOUR HUNDRED FOUR OF THIS CHAPTER SHALL BE DEEMED TO BE A
39 PRIOR CONVICTION OF A VIOLATION OF SUBDIVISION ONE OF THIS SECTION FOR
40 PURPOSES OF DETERMINING PENALTIES IMPOSED PURSUANT TO THIS SECTION OR
41 FOR PURPOSES OF ANY ADMINISTRATIVE ACTION REQUIRED TO BE TAKEN PURSUANT
42 TO SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-THREE OF THIS ARTI-
43 CLE.

44 S 5. This act shall take effect on the one hundred twentieth day after
45 it shall have become a law and shall apply to convictions occurring on
46 or after such date.