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

6029

2015-2016 Regular Sessions

I N S E N A T E

August 7, 2015

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

AN ACT to amend the vehicle and traffic law, in relation to enacting the "support technology options preventing driving while intoxicated (STOP DWI) act" mandating the installation of alcohol detection devices in motor vehicles

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

Section 1. Short title. This act shall be known and may be cited as the "support technology options preventing driving while intoxicated (STOP DWI) act".

S 2. The vehicle and traffic law is amended by adding a new section 1198-b to read as follows:

S 1198-B. INSTALLATION OF ALCOHOL DETECTION DEVICES. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "ALCOHOL DETECTION DEVICE" SHALL MEAN ANY BLOOD ALCOHOL CONCENTRATION (BAC) MEASURING DEVICE WHICH UTILIZES TISSUE SPECTROMETRY, ELECTROCHEMICAL SENSORS OR OTHER TECHNOLOGY CAPABLE OF DETECTING BAC THROUGH THE SKIN WHICH IS CONNECTED TO A MOTOR VEHICLE IGNITION SYSTEM THAT PREVENTS A MOTOR VEHICLE FROM BEING STARTED WITHOUT FIRST DETERMINING THAT THE OPERATOR'S BAC DOES NOT EXCEED THE CALIBRATED SETTING ON SUCH DEVICE; AND

B. "MOTOR VEHICLE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER.

2. ALCOHOL DETECTION DEVICE. EVERY NEW MOTOR VEHICLE SOLD AND REGISTERED IN THIS STATE ON AND AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN SHALL BE EQUIPPED WITH A FUNCTIONAL ALCOHOL DETECTION DEVICE.

3. CIRCUMVENTION OF ALCOHOL DETECTION DEVICE. A. NO PERSON SHALL REQUEST, SOLICIT OR ALLOW ANY OTHER PERSON TO TOUCH, START OR OTHERWISE

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

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OPERATE AN IGNITION SYSTEM EQUIPPED WITH AN ALCOHOL DETECTION DEVICE FOR THE PURPOSE OF PROVIDING SUCH PERSON WITH AN OPERABLE MOTOR VEHICLE.

B. NO PERSON SHALL TAMPER WITH OR CIRCUMVENT AN OTHERWISE OPERABLE ALCOHOL DETECTION DEVICE.

C. IN ADDITION TO ANY OTHER PROVISIONS OF LAW, ANY PERSON CONVICTED OF A VIOLATION OF THIS SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

S 3. This act shall take effect immediately; provided that subdivision 3 of section 1198-b of the vehicle and traffic law as added by section two of this act shall take effect January 1, 2018.