

734

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

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.