

# STATE OF NEW YORK

11384

## IN ASSEMBLY

October 22, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Paulin, Santabarbara, Fahy, McDonald) -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to drug and alcohol testing for for-hire vehicle drivers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 502-b to read as follows:

3 § 502-b. Special requirements for for-hire vehicle drivers; drugs and  
4 alcohol. 1. All motor carriers shall be required to conduct pre-employ-  
5 ment and random drug and alcohol testing in accordance with the  
6 provisions and requirements of Part 382 of Title 49 of the Code of  
7 Federal Regulations on all drivers of any for-hire vehicle with a capac-  
8 ity of transporting ten or more occupants, including the driver, regard-  
9 less of a commercial driver's license endorsement. Every such driver  
10 shall be included in the random testing pool from which drivers are  
11 randomly selected for testing, and every such driver shall submit to  
12 such testing when selected, as required in Part 382 of Title 49 of the  
13 Code of Federal Regulations.

14 2. No motor carrier shall require or permit a driver to:

15 (a) violate any provision of subdivision one of section five hundred  
16 nine-1 of this title; or

17 (b) be on duty or operate a for-hire vehicle with a capacity of trans-  
18 porting ten or more occupants, including the driver, if by such person's  
19 general appearance or by such person's conduct or by other substantiat-  
20 ing evidence, such person appears to have consumed a drug, controlled  
21 substance or an intoxicating substance within the preceding eight hours  
22 before such driver operates the for-hire vehicle.

23 § 2. This act shall take effect on the one hundred twentieth day after  
24 it shall have become a law. Effective immediately, the commissioner of  
25 motor vehicles may add, amend, or repeal any rule or regulation neces-  
26 sary to timely implement the provisions of this act on its effective  
27 date.

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

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