STATE OF NEW YORK

2124

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to criminalizing 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 Assembly, do enact as follows:

Section 1. Section 1192 of the vehicle and traffic law is amended by adding a new subdivision 6-a to read as follows:

6-a. School buses: per se. Notwithstanding the provisions of section eleven hundred ninety-five of this article, no person shall operate a school bus while such person has any amount of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article.

§ 2. Subparagraph 4-a of paragraph (d) of subdivision 1 and subparagraph 4-a of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, subparagraph 4-a of paragraph (d) of subdivision 1 as amended by chapter 732 of the laws of 2006 and subparagraph 4-a of paragraph (b) of subdivision 2 as added by chapter 26 of the laws of 1996, are amended to read as follows:

(4-a) A violation of subdivision [~~two, three, four or four-a~~] **six-a** of section eleven hundred ninety-two of this article wherein the violator is operating a school bus as defined in section one hundred forty-two of this chapter and such school bus is carrying at least one student passenger shall be a class E felony punishable by a fine of not less than one thousand dollars nor more than five thousand dollars, or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment. [~~A violation of subdivision two-a of section eleven hundred ninety-two of this article wherein the violator is operating a school bus as defined in section one hundred forty-two of this~~

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

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~~chapter and such school bus is carrying at least one student passenger shall be a class D felony punishable by a fine of not less than two thousand dollars nor more than ten thousand dollars, or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.~~]

(4-a) School buses. (A) [~~One year, where the holder is convicted of a violation of any subdivision of section eleven hundred ninety-two of this article, such violation was committed while the holder was driving a school bus, and the holder is sentenced pursuant to subparagraph one, one-a or four-a of paragraph (d) of subdivision one of this section.~~

~~(B)~~] Three years where the holder is convicted of a violation of any subdivision of section eleven hundred ninety-two of this article, such violation was committed while the holder was driving a school bus, and the holder is sentenced pursuant to subparagraph four of paragraph (d) of subdivision one of this section.

[~~(C)~~] **(B)** Notwithstanding the provisions of the opening paragraph of this paragraph [~~(b)~~], the commissioner shall not revoke the registration of a school bus driven in violation of section eleven hundred ninety-two of this article.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.