STATE OF NEW YORK

208

2017-2018 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2017

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

AN ACT to amend the vehicle and traffic law and the education law, in relation to random drug and alcohol testing of bus drivers

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

Section 1. Section 509-g of the vehicle and traffic law is amended by adding a new subdivision 6 to read as follows:

6. Random drug and alcohol testing. (a) All motor carriers shall be required to administer random drug and alcohol tests to all drivers, as defined by section five hundred nine-a of this article, of school buses, as defined by section one hundred forty-two of this chapter, regardless of commercial driver's license endorsement. For the purposes of this section "motor carriers" shall mean a school or municipality that transports children to and from school or any person, corporation or entity in contract with a municipality or school district for the purposes of transporting children to and from school.

(b) (i) Failure of a random drug and alcohol test by a driver shall be reported to the commissioner of motor vehicles by the motor carrier immediately upon notification of failure;

(ii) the driver shall be disqualified from operating a school bus for the period of one year pursuant to paragraph (h) of subdivision one and paragraph (i) of subdivision two of section five hundred nine-cc of this article.

§ 2. Paragraph (a) of subdivision 1 of section 509-cc of the vehicle and traffic law is amended by adding a new subparagraph (iv) to read as follows:

(iv) has been convicted of a violation of subdivision one, two, three, four or four-a of section eleven hundred ninety-two of this chapter wherein the violator is operating a school bus as defined in section one

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

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hundred forty-two of this chapter and such school bus is carrying at least one student passenger; or

§ 3. Subdivision 2 of section 509-cc of the vehicle and traffic law is amended by adding a new paragraph (b-1) to read as follows:

(b-1) permanently, if that person has been convicted of a violation of subdivision one, two, three, four or four-a of section eleven hundred ninety-two of this chapter 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.

§ 4. Subdivision 1 of section 509-cc of the vehicle and traffic law is amended by adding a new paragraph (h) to read as follows:

(h) for a period of one year, if that person fails to pass a drug and alcohol test pursuant to section five hundred nine-g of this article.

§ 5. Subdivision 2 of section 509-cc of the vehicle and traffic law is amended by adding a new paragraph (i) to read as follows:

(i) for a period of one year, if that person fails to pass a drug and alcohol test pursuant to section five hundred nine-g of this article.

§ 6. Section 509-l of the vehicle and traffic law, as amended by chapter 675 of the laws of 1985, is amended to read as follows:

§ 509-l. Drugs, controlled [~~substance~~] **substances** and intoxicating liquor. 1. No person shall:

(a) consume a drug, controlled substance or an intoxicating liquor, regardless of its alcoholic content, or be under the influence of an intoxicating liquor or drug, within six hours before going on duty or operating, or having physical control of a bus, or

(b) consume a drug, controlled substance or an intoxicating liquor, regardless of its alcoholic content while on duty, or operating, or in physical control of a bus, or

(c) possess a drug, controlled substance or an intoxicating liquor, regardless of its alcoholic content while on duty, operating or in physical control of a bus. However, this paragraph does not apply to possession of a drug, controlled substance or an intoxicating liquor which is transported as part of a shipment or personal effects of a passenger or to alcoholic beverages which are in sealed containers.

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

(a) violate any provision of subdivision one of this section; or

(b) be on duty or operate a bus if, by such person's general appearance or by such person's conduct or by other substantiating evidence, such person appears to have consumed a drug, controlled substance or an intoxicating liquor within the preceding six hours**, or eight hours when such driver operates a school bus as defined by section one hundred forty-two of this chapter**.

§ 7. Subparagraph 6 of paragraph e of subdivision 1 of section 3623-a of the education law, as added by chapter 474 of the laws of 1996, is amended to read as follows:

(6) costs incurred by the employer for qualifying criminal history, drivers license, or other required testing attributable to special requirements for drivers of school buses pursuant to state or federal law **including random drug and alcohol testing as required under subdivision six of section five hundred nine-g of the vehicle and traffic law**;

§ 8. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the commissioner of motor vehicles may add, amend, or repeal any rule or regulation necessary to timely implement the provisions of this act on its effective date.