

# STATE OF NEW YORK

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208--E

2017-2018 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2017

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Introduced by M. of A. LUPARDO, THIELE, BARRETT, HEVESI, ABINANTI, JAFFEE, GALEF, MAGNARELLI, D'URSO, MONTESANO, MURRAY, McDONOUGH, FRIEND, BLANKENBUSH, PALMESANO, WALSH, PALUMBO, ASHBY -- Multi-Sponsored by -- M. of A. FINCH, GIGLIO, HAWLEY, JONES, SIMON -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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

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

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

3 6. (a) All motor carriers shall be required to conduct pre-employment  
4 and random drug and alcohol testing in accordance with the provisions  
5 and requirements of Part 382 of Title 49 of the Code of Federal Regu-  
6 lations on all drivers of a school bus, as defined by section one  
7 hundred forty-two of this chapter, regardless of commercial driver's  
8 license endorsement. Every such school bus driver shall be included in  
9 the random testing pool from which drivers are randomly selected for  
10 testing, and every such driver shall submit to such testing when

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

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1 selected, as required in Part 382 of Title 49 of the Code of Federal  
2 Regulations. For the purposes of this section "motor carriers" shall  
3 mean a school or municipality that transports children to and from  
4 school or any person, corporation or entity in contract with a munici-  
5 pality or school district for the purposes of transporting children to  
6 and from school.

7 (b) Drug testing administered pursuant to this section shall, at a  
8 minimum, be in conformance with drug testing procedures as set forth in  
9 Part 382 of Title 49 of the Code of Federal Regulations.

10 § 2. Section 509-1 of the vehicle and traffic law, as amended by chap-  
11 ter 675 of the laws of 1985, is amended to read as follows:

12 § 509-1. Drugs, controlled [~~substance~~] substances and intoxicating  
13 liquor. 1. No person shall:

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

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

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

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

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

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

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

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

44 § 4. This act shall take effect on the one hundred twentieth day after  
45 it shall have become a law. Effective immediately, the commissioner of  
46 motor vehicles may add, amend, or repeal any rule or regulation neces-  
47 sary to timely implement the provisions of this act on its effective  
48 date.