

# STATE OF NEW YORK

2587--A

Cal. No. 699

2017-2018 Regular Sessions

## IN SENATE

January 13, 2017

Introduced by Sens. MARCELLINO, MARCHIONE, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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

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 administer random drug  
4 and alcohol tests to all drivers, as defined by section five hundred  
5 nine-a of this article, of school buses, as defined by section one  
6 hundred forty-two of this chapter, regardless of commercial driver's  
7 license endorsement and to all school bus attendants, as defined by  
8 section twelve hundred twenty-nine-d of this chapter. For the purposes  
9 of this section "motor carriers" shall mean a school or municipality  
10 that transports children to and from school or any person, corporation  
11 or entity in contract with a municipality or school district for the  
12 purposes of transporting children to and from school.

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

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

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

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1 (iii) Drug testing administered pursuant to this section shall, at a  
2 minimum, be in conformance with drug testing procedures as set forth in  
3 Part 382 of Title 49 of the code of federal regulations.

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

6 § 509-1. Drugs, controlled [~~substance~~] substances and intoxicating  
7 liquor. 1. No person shall:

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

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

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

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

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

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

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

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

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