STATE OF NEW YORK

542

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. D'URSO, BLAKE, COOK, DAVILA, GALEF, ORTIZ, SEAWRIGHT, WILLIAMS -- Multi-Sponsored by -- M. of A. DICKENS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring breathalyzer tests of drivers involved in accidents causing serious physical injury or death

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

Section 1. Paragraph (b) of subdivision 1 of section 603-a of the vehicle and traffic law, as amended by chapter 27 of the laws of 2018, is amended to read as follows:

(b) [~~When present at the scene of such accident, the investigating officer shall also request that all operators of motor vehicles involved in such accident submit to field testing as defined in section eleven hundred ninety-four of this chapter provided there are reasonable grounds to believe such motor vehicle operator committed a serious traffic violation in the same accident. The results of such field testing or refusal of such testing shall be included in the police investigation report. For the purposes of this section, "serious traffic violation" shall mean operating a motor vehicle in violation of any of the following provisions of this chapter: articles twenty-three, twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine and thirty and sections five hundred eleven, six hundred and twelve hundred twelve.~~]
Such investigation of an accident scene shall also include the administration of field sobriety and a chemical test of blood alcohol level to all motor vehicle drivers involved in such accident. The investigating police officers must inform the drivers of such testing requirements and conduct them in accordance with the provisions of section eleven hundred ninety-four of this chapter. The refusal to submit to such testing shall constitute a rebuttable presumption of guilt and such refusal shall be

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

LBD05898-01-9

documented in accordance with the provisions of section eleven hundred ninety-four of this chapter. If physical injuries do not permit such chemical testing at the accident scene, such tests must be administered at the hospital. The results of such field sobriety and chemical tests or refusals of such tests shall be included in the police investigation report.

§ 2. Paragraphs (a) and (b) of subdivision 2 of section 603-a of the vehicle and traffic law, as added by chapter 408 of the laws of 2001, are amended, and two new paragraphs (c) and (d) are added to read as follows:

(a) "commercial motor vehicle" shall have the same meaning as such term is defined in either subdivision four of section five hundred one-a or subdivision one of section five hundred nine-p of this chapter; [~~and~~]

(b) "serious physical injury" shall have the same meaning as such term is defined in section 10.00 of the penal law[~~.~~];

(c) "field sobriety testing" shall have the same meaning as "field test" or "breath test" pursuant to section eleven hundred ninety-four of this chapter; and

(d) "chemical test" of blood alcohol level shall have the same meaning as such term is defined in section eleven hundred ninety-four of this chapter.

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