

# STATE OF NEW YORK

5802

2019-2020 Regular Sessions

## IN ASSEMBLY

February 19, 2019

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

AN ACT to amend the vehicle and traffic law, in relation to requiring persons convicted of an alcohol related driving offense to carry disposable breathalyzers; and to amend the alcoholic beverage control law, in relation to requiring certain establishments to make disposable breathalyzers available to customers

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

1 Section 1. Section 1193 of the vehicle and traffic law is amended by  
2 adding a new subdivision 3 to read as follows:

3 3. Disposable breathalyzers. In addition to the imposition of any fine  
4 or period of imprisonment set forth in this section, the court shall  
5 also require such person convicted of a violation of any provision of  
6 section eleven hundred ninety-two or eleven hundred ninety-two-a of this  
7 article to carry no fewer than two single use disposable breathalyzers  
8 in any motor vehicle such person is operating for a period of ten years  
9 from the date of such conviction. Any person subject to the provisions  
10 of this subdivision who operates a motor vehicle in violation of this  
11 subdivision shall be subject to a civil penalty of not more than two  
12 hundred fifty dollars.

13 § 2. The alcoholic beverage control law is amended by adding a new  
14 section 132 to read as follows:

15 § 132. Disposable breathalyzers. 1. Any person, firm, partnership,  
16 association, corporation or other business entity doing business in this  
17 state who holds any license to sell alcoholic beverages at retail for  
18 consumption on the premises shall make a single use disposable breatha-  
19 lyzer available to any customer at such premises for use by such custom-  
20 er upon request. Such business entity may charge a nominal fee for such  
21 breathalyzer, provided that in no event shall such fee be more than the  
22 price paid by such business entity for such breathalyzer.

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

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1     2. Any person, firm, partnership, association, corporation or other  
2     business entity who violates the provisions of this section shall be  
3     subject to a civil penalty of not more than two hundred fifty dollars.  
4     § 3. This act shall take effect on the sixtieth day after it shall  
5     have become a law.