

STATE OF NEW YORK

3023

2019-2020 Regular Sessions

IN SENATE

January 31, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to drug and alcohol testing for for-hire vehicle drivers

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 502-b to read as follows:

3 § 502-b. Special requirements for for-hire vehicle drivers; drugs and
4 alcohol. 1. All motor carriers shall be required to conduct pre-employ-
5 ment and random drug and alcohol testing in accordance with the
6 provisions and requirements of Part 382 of Title 49 of the Code of
7 Federal Regulations on all drivers of any for-hire vehicle with a capac-
8 ity of transporting ten or more occupants, including the driver, regard-
9 less of a commercial driver's license endorsement. Every such driver
10 shall be included in the random testing pool from which drivers are
11 randomly selected for testing, and every such driver shall submit to
12 such testing when selected, as required in Part 382 of Title 49 of the
13 Code of Federal Regulations.

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

15 (a) violate any provision of subdivision one of section five hundred
16 nine-l of this title; or

17 (b) be on duty or operate a for-hire vehicle with a capacity of trans-
18 porting ten or more occupants, including the driver, if by such person's
19 general appearance or by such person's conduct or by other substantiat-
20 ing evidence, such person appears to have consumed a drug, controlled
21 substance or an intoxicating substance within the preceding eight hours
22 before such driver operates the for-hire vehicle.

23 § 2. This act shall take effect on the one hundred twentieth day after
24 it shall have become a law. Effective immediately, the commissioner of
25 motor vehicles may add, amend, or repeal any rule or regulation neces-
26 sary to timely implement the provisions of this act on its effective
27 date.

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

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