

# STATE OF NEW YORK

6186--A

Cal. No. 1084

2019-2020 Regular Sessions

## IN SENATE

May 21, 2019

Introduced by Sen. METZGER -- 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, 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 nine or more occupants, including the driver,  
9 regardless of a commercial driver's license endorsement. Every such  
10 driver shall be included in the random testing pool from which drivers  
11 are 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-1 of this title; or

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

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

LBD01677-02-9

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