STATE OF NEW YORK

3234

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 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 creating a pilot program for the field testing of driving while intoxicated vehicle sensor devices; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. The vehicle and traffic law is amended by adding a new section 1225-e to read as follows:

§ 1225-e. Pilot program for field testing of driving while intoxicated vehicle sensor devices. 1. For purposes of this section "field testing" shall mean the use of devices created by the Driver Alcohol Detection System for Safety Program utilized in accordance with rules and regulations promulgated by the commissioner, that determines whether or not the operator of a motor vehicle is unlawfully impaired by the use of alcohol. Such devices shall measure the operator's blood alcohol level, and if determined that the operator's blood alcohol level is above the legal limit pursuant to section eleven hundred ninety-two of this chapter, the vehicle shall not be permitted to move but shall perform all other vehicle functions.

2. The commissioner shall authorize a two year pilot program to perform field testing of the devices referenced in subdivision one of this section. After consultation with manufacturers of such devices and the national highway traffic safety administration, the commissioner shall promulgate rules and regulations necessary to perform the field testing. Participation in the pilot program shall be optional and subject to participation guidelines established by the commissioner.

3. At the conclusion of such pilot program, the commissioner shall assess the program and submit a report to the legislature and the governor, which shall include, but not be limited to, the amount and location

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

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of the participants, the impact of the program on reducing traffic accidents resulting from driving while intoxicated, and data analyzing the cost, efficiency, and accuracy of the field testing.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law and shall expire and be deemed repealed two years after such date.