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:

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

§ 502-b. Special requirements for for-hire vehicle drivers; drugs and alcohol. 1. All motor carriers shall be required to conduct pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of Part 382 of Title 49 of the Code of Federal Regulations on all drivers of any for-hire vehicle with a capacity of transporting ten or more occupants, including the driver, regardless of a commercial driver's license endorsement. Every such driver shall be included in the random testing pool from which drivers are randomly selected for testing, and every such driver shall submit to such testing when selected, as required in Part 382 of Title 49 of the Code of Federal Regulations.

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

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

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

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

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

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