

# STATE OF NEW YORK

1778

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

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

AN ACT to amend the vehicle and traffic law, in relation to criminalizing the operation of a school bus by a person having any amount of alcohol in his or her blood and providing sanctions for violations

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

1 Section 1. Section 1192 of the vehicle and traffic law is amended by  
2 adding a new subdivision 6-a to read as follows:

3 6-a. School buses: per se. Notwithstanding the provisions of section  
4 eleven hundred ninety-five of this article, no person shall operate a  
5 school bus while such person has any amount of alcohol in the person's  
6 blood as shown by chemical analysis of such person's blood, breath,  
7 urine or saliva, made pursuant to the provisions of section eleven  
8 hundred ninety-four of this article.

9 § 2. Subparagraph 4-a of paragraph (d) of subdivision 1 and subpara-  
10 graph 4-a of paragraph (b) of subdivision 2 of section 1193 of the vehi-  
11 cle and traffic law, subparagraph 4-a of paragraph (d) of subdivision 1  
12 as amended by chapter 732 of the laws of 2006 and subparagraph 4-a of  
13 paragraph (b) of subdivision 2 as added by chapter 26 of the laws of  
14 1996, are amended to read as follows:

15 (4-a) A violation of subdivision [~~two, three, four or four-a~~] six-a of  
16 section eleven hundred ninety-two of this article wherein the violator  
17 is operating a school bus as defined in section one hundred forty-two of  
18 this chapter and such school bus is carrying at least one student  
19 passenger shall be a class E felony punishable by a fine of not less  
20 than one thousand dollars nor more than five thousand dollars, or by a  
21 period of imprisonment as provided in the penal law, or by both such  
22 fine and imprisonment. [~~A violation of subdivision two-a of section~~  
23 ~~eleven hundred ninety-two of this article wherein the violator is oper-~~  
24 ~~ating a school bus as defined in section one hundred forty-two of this~~

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

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1 ~~chapter and such school bus is carrying at least one student passenger~~  
2 ~~shall be a class D felony punishable by a fine of not less than two~~  
3 ~~thousand dollars nor more than ten thousand dollars, or by a period of~~  
4 ~~imprisonment as provided in the penal law, or by both such fine and~~  
5 ~~imprisonment.]~~

6 (4-a) School buses. (A) [~~One year, where the holder is convicted of a~~  
7 ~~violation of any subdivision of section eleven hundred ninety-two of~~  
8 ~~this article, such violation was committed while the holder was driving~~  
9 ~~a school bus, and the holder is sentenced pursuant to subparagraph one,~~  
10 ~~one a or four a of paragraph (d) of subdivision one of this section.~~

11 ~~(B)]~~ Three years where the holder is convicted of a violation of any  
12 subdivision of section eleven hundred ninety-two of this article, such  
13 violation was committed while the holder was driving a school bus, and  
14 the holder is sentenced pursuant to subparagraph four of paragraph (d)  
15 of subdivision one of this section.

16 [~~(C)]~~ (B) Notwithstanding the provisions of the opening paragraph of  
17 this paragraph [~~(b)~~], the commissioner shall not revoke the registration  
18 of a school bus driven in violation of section eleven hundred ninety-two  
19 of this article.

20 § 3. This act shall take effect on the ninetieth day after it shall  
21 have become a law.