

STATE OF NEW YORK

474

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the parks, recreation and historic preservation law, in relation to increasing the penalties for operating a snowmobile while intoxicated

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

1 Section 1. Paragraphs (a), (b) and (e) of subdivision 1 of section
2 25.24 of the parks, recreation and historic preservation law, paragraphs
3 (a) and (b) as amended by chapter 311 of the laws of 2007 and paragraph
4 (e) as added by chapter 629 of the laws of 1998, are amended to read as
5 follows:

6 (a) No person shall operate a snowmobile upon a street, highway,
7 public trails, lands, bodies of water, or private property of another
8 while [~~his or her~~] their ability to operate such snowmobile is impaired
9 by the consumption of alcohol. (1) A violation of this subdivision shall
10 be an offense and shall be punishable by a fine of not less than two
11 hundred fifty dollars nor more than three hundred fifty dollars, or by
12 imprisonment in a penitentiary or county jail for not more than fifteen
13 days, or by both such fine and imprisonment. (2) A person who operates a
14 snowmobile in violation of this subdivision after being convicted of a
15 violation of any subdivision of this section within the preceding five
16 years shall be punished by a fine of not less than five hundred dollars
17 nor more than fifteen hundred dollars, or by imprisonment of not more
18 than thirty days in a penitentiary or county jail or by both such fine
19 and imprisonment.

20 (b) (1) No such person shall operate a snowmobile upon a street, high-
21 way, public trails, lands, bodies of water, or private property of
22 another while [~~he or she~~] such person has .08 of one per centum or more
23 by weight of alcohol in [~~his or her~~] their blood, breath, urine, or

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

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1 saliva, as determined by the chemical test made pursuant to the
2 provisions of subdivision six of this section.

3 (2) No such person shall operate a snowmobile upon a street, highway,
4 public trails, lands, bodies of water, or private property of another
5 while such person has .16 of one per centum or more by weight of alcohol
6 in their blood, breath, urine, or saliva, as determined by the chemical
7 test made pursuant to the provisions of subdivision six of this section.

8 (e) (1) A violation of subparagraph one of paragraph (b), or paragraph
9 (c)[7] or (d) of this subdivision shall be a misdemeanor and shall be
10 punishable by imprisonment in a penitentiary or county jail for not more
11 than ninety days, or by a fine of not less than three hundred fifty
12 dollars nor more than five hundred dollars, or by both such fine and
13 imprisonment.

14 (2) A person who operates a snowmobile in violation of subparagraph
15 one of paragraph (b), or paragraph (c)[7] or (d) of this subdivision
16 after having been convicted of a violation of subparagraph one of para-
17 graph (b), of paragraph (c)[7] or (d) of this subdivision, or of operat-
18 ing a snowmobile while intoxicated or while under the influence of
19 drugs, within the preceding ten years, shall be guilty of a misdemeanor
20 and shall be punished by imprisonment for not more than one year, or by
21 a fine of not less than five hundred dollars nor more than fifteen
22 hundred dollars, or by both such fine and imprisonment.

23 (3) A person who operates a snowmobile in violation of subparagraph
24 one of paragraph (b), or paragraph (c)[7] or (d) of this subdivision
25 after having been twice convicted of a violation of subparagraph one of
26 paragraph (b), or paragraph (c)[7] or (d) of this subdivision, or of
27 operating a snowmobile while intoxicated or under the influence of
28 drugs, within the preceding ten years, shall be guilty of a class E
29 felony and shall be punished by a fine of not less than five hundred
30 dollars nor more than five thousand dollars or by a period of imprison-
31 ment as provided in the penal law, or by both such fine and imprison-
32 ment.

33 (4) (i) A violation of subparagraph two of paragraph (b) of this
34 subdivision shall be a misdemeanor and shall be punishable by imprison-
35 ment in a penitentiary or county jail for not more than one hundred
36 eighty days, or by a fine of not less than seven hundred dollars nor
37 more than one thousand dollars, or by both such fine and imprisonment.

38 (ii) A person who operates a snowmobile in violation of subparagraph
39 two of paragraph (b) of this subdivision after having been convicted of
40 a violation of subparagraph one or two of paragraph (b), or paragraph
41 (c) or (d) of this subdivision, or of operating a snowmobile while
42 intoxicated or while under the influence of drugs, within the preceding
43 ten years, shall be guilty of a class E felony and shall be punished by
44 a fine of not less than one thousand dollars nor more than three thou-
45 sand dollars or by a period of imprisonment as provided in the penal
46 law, or by both such fine and imprisonment.

47 (iii) A person who operates a snowmobile in violation of subparagraph
48 two of paragraph (b) of this subdivision after having been twice
49 convicted of a violation of subparagraph one or two of paragraph (b), or
50 paragraph (c) or (d) of this subdivision, or of operating a snowmobile
51 while intoxicated or under the influence of drugs, within the preceding
52 ten years, shall be guilty of a class D felony and shall be punished by
53 a fine of not less than one thousand dollars nor more than ten thousand
54 dollars or by a period of imprisonment as provided in the penal law, or
55 by both such fine and imprisonment.

1 § 2. Section 25.24 of the parks, recreation and historic preservation
2 law is amended by adding a new subdivision 4-a to read as follows:

3 4-a. Sentencing; previous convictions. When sentencing a person for a
4 violation of paragraph (b), (c) or (d) of subdivision one of this
5 section pursuant to subparagraph two or three, or clause (ii) or (iii)
6 of subparagraph four of paragraph (e) of subdivision one of this
7 section, the court shall consider any prior convictions the person may
8 have for a violation of subdivision two, two-a, three, four or four-a of
9 section eleven hundred ninety-two of the vehicle and traffic law or
10 subdivision two of section forty-nine-a of the navigation law within the
11 preceding ten years. When sentencing a person for a violation of subpar-
12 agraph two of paragraph (a) of subdivision one of this section, the
13 court shall consider any prior convictions the person may have for a
14 violation of any subdivision of section eleven hundred ninety-two of the
15 vehicle and traffic law or subdivision two of section forty-nine-a of
16 the navigation law within the preceding five years.

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