

STATE OF NEW YORK

2517

2025-2026 Regular Sessions

IN SENATE

January 21, 2025

Introduced by Sens. COONEY, FERNANDEZ, MARTINEZ, MAYER -- 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 ignition interlock devices

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

1 Section 1. Subparagraph (ii) of paragraph (b) of subdivision 1 of
2 section 1193 of the vehicle and traffic law, as amended by chapter 169
3 of the laws of 2013, is amended to read as follows:
4 (ii) In addition to the imposition of any fine or period of imprison-
5 ment set forth in this paragraph, the court shall also sentence such
6 person convicted of, or adjudicated a youthful offender for, a violation
7 of subdivision two, two-a or three of section eleven hundred ninety-two
8 of this article to a term of probation or conditional discharge, as a
9 condition of which it shall order such person to install [~~and~~], maintain
10 and regularly use, in accordance with the provisions of section eleven
11 hundred ninety-eight of this article, an ignition interlock device in
12 any motor vehicle owned or operated by such person during the term of
13 such probation or conditional discharge imposed for such violation of
14 section eleven hundred ninety-two of this article and in no event for a
15 period of less than twelve months; provided, however, that such period
16 of interlock restriction shall terminate upon submission of proof that
17 such person installed [~~and~~], maintained and regularly used an ignition
18 interlock device for at least six months, unless the court ordered such
19 person to install [~~and~~], maintain and regularly use an ignition inter-
20 lock device for a longer period as authorized by this subparagraph and
21 specified in such order. The period of interlock restriction shall
22 commence from the earlier of the date of sentencing, or the date that an
23 ignition interlock device was installed in advance of sentencing.
24 Provided, however, the court may not authorize the operation of a motor

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

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1 vehicle by any person whose license or privilege to operate a motor
2 vehicle has been revoked pursuant to the provisions of this section.

3 § 2. Subparagraph (iii) of paragraph (c) of subdivision 1 of section
4 1193 of the vehicle and traffic law, as amended by chapter 169 of the
5 laws of 2013, is amended to read as follows:

6 (iii) In addition to the imposition of any fine or period of imprison-
7 ment set forth in this paragraph, the court shall also sentence such
8 person convicted of, or adjudicated a youthful offender for, a violation
9 of subdivision two, two-a or three of section eleven hundred ninety-two
10 of this article to a period of probation or conditional discharge, as a
11 condition of which it shall order such person to install [~~and~~], maintain
12 and regularly use, in accordance with the provisions of section eleven
13 hundred ninety-eight of this article, an ignition interlock device in
14 any motor vehicle owned or operated by such person during the term of
15 such probation or conditional discharge imposed for such violation of
16 section eleven hundred ninety-two of this article and in no event for a
17 period of less than twelve months; provided, however, that such period
18 of interlock restriction shall terminate upon submission of proof that
19 such person installed [~~and~~], maintained and regularly used an ignition
20 interlock device for at least six months, unless the court ordered such
21 person to install [~~and~~], maintain [~~a~~] and regularly use an ignition
22 interlock device for a longer period as authorized by this subparagraph
23 and specified in such order. The period of interlock restriction shall
24 commence from the earlier of the date of sentencing, or the date that an
25 ignition interlock device was installed in advance of sentencing.
26 Provided, however, the court may not authorize the operation of a motor
27 vehicle by any person whose license or privilege to operate a motor
28 vehicle has been revoked pursuant to the provisions of this section.

29 § 3. Paragraph (e) of subdivision 2 of section 1193 of the vehicle and
30 traffic law is amended by adding a new subparagraph 8 to read as
31 follows:

32 (8) Notwithstanding any other provision of law to the contrary, once a
33 court-ordered ignition interlock device is installed, a person may start
34 their car while it is parked during a period of license suspension or
35 revocation in order to preserve the battery life of the vehicle without
36 incurring any penalty or fine or otherwise violating the terms of their
37 suspension or revocation.

38 § 4. Subdivision 2 of section 1193 of the vehicle and traffic law is
39 amended by adding a new paragraph (g) to read as follows:

40 (g) Notwithstanding any other provision of this subdivision, except
41 where a person's license has been permanently revoked pursuant to
42 subparagraph twelve of paragraph (b) of this subdivision, the court
43 shall have the discretion to grant a limited conditional license during
44 the period of license suspension or revocation to a person who has been
45 convicted of a violation or crime under this article if holding of a
46 valid license is a necessary incident to such person's employment, busi-
47 ness, trade, occupation or profession, or to their travel to and from a
48 class or course at an accredited school, college or university or at a
49 state approved institution of vocational or technical training or
50 enroute to and from a medical examination or treatment as part of a
51 necessary medical treatment for such participant or member of their
52 household, or to or from a dependent child's school or daycare program,
53 or for such other essential travel as the court may determine by written
54 order. Such license shall only be valid for operation of a vehicle
55 equipped with a court-ordered ignition interlock device installed, main-
56 tained and regularly used pursuant to the provisions of this article. If

1 the conditions of this paragraph are violated by the licensee, the
2 limited conditional license shall be rescinded, and the period of
3 license suspension or revocation shall be reinstated and must be served
4 in full with no credit for the time in which the person was issued such
5 limited conditional license.

6 § 5. Paragraphs (a) and (b) of subdivision 2 of section 1198 of the
7 vehicle and traffic law, as amended by chapter 496 of the laws of 2009,
8 are amended to read as follows:

9 (a) In addition to any other penalties prescribed by law, the court
10 shall require that any person who has been convicted of a violation of
11 subdivision two, two-a or three of section eleven hundred ninety-two of
12 this article, or any crime defined by this chapter or the penal law of
13 which an alcohol-related violation of any provision of section eleven
14 hundred ninety-two of this article is an essential element, to install
15 ~~[and]~~, maintain and regularly use, as a condition of probation or condi-
16 tional discharge, a functioning ignition interlock device in accordance
17 with the provisions of this section and, as applicable, in accordance
18 with the provisions of subdivisions one and one-a of section eleven
19 hundred ninety-three of this article; provided, however, the court may
20 not authorize the operation of a motor vehicle by any person whose
21 license or privilege to operate a motor vehicle has been revoked except
22 as provided herein. For any such individual subject to a sentence of
23 probation, installation and maintenance of such ignition interlock
24 device shall be a condition of probation.

25 (b) Nothing contained in this section shall prohibit a court, upon
26 application by a probation department, from modifying the conditions of
27 probation of any person convicted of any violation set forth in para-
28 graph (a) of this subdivision prior to the effective date of this
29 section, to require the installation ~~[and]~~, maintenance and regular use
30 of a functioning ignition interlock device, and such person shall there-
31 after be subject to the provisions of this section.

32 § 6. Paragraph (a) of subdivision 4 of section 1198 of the vehicle and
33 traffic law, as amended by chapter 169 of the laws of 2013, is amended
34 to read as follows:

35 (a) Following imposition by the court of the installation, maintenance
36 and regular use of an ignition interlock device as a condition of
37 probation or conditional discharge it shall require the person to
38 provide proof of compliance with this section to the court and the
39 probation department or other monitor where such person is under
40 probation or conditional discharge supervision. If the person fails to
41 provide for such proof of installation, maintenance and regular use,
42 absent a finding by the court of good cause for that failure which is
43 entered in the record, the court may revoke, modify, or terminate the
44 person's sentence of probation or conditional discharge as provided
45 under law and shall extend any period of license suspension or revoca-
46 tion until such proof of compliance is provided to the court. Good
47 cause may include a finding that the person is not the owner of a motor
48 vehicle if such person asserts under oath that such person is not the
49 owner of any motor vehicle, did not own a motor vehicle at the time of
50 arrest for the subject violation, does not reside with a spouse who owns
51 a vehicle such person drives at least occasionally, and that ~~[he or she]~~
52 they will not operate any motor vehicle during the period of interlock
53 restriction except as may be otherwise authorized pursuant to law.
54 "Owner" shall have the same meaning as provided in section one hundred
55 twenty-eight of this chapter.

1 § 7. This act shall take effect immediately, provided, however, that
2 the amendments to section 1198 of the vehicle and traffic law made by
3 sections five and six of this act shall not affect the expiration and
4 repeal of such section and shall be deemed repealed therewith.