STATE OF NEW YORK

2703--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 22, 2025

Introduced by M. of A. WOERNER, STERN, McMAHON, HEVESI, McDONALD, KAY, SHIMSKY, KASSAY, ANGELINO, McDONOUGH, TAGUE, K. BROWN, DeSTEFANO, CHANG, DAVILA -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subparagraph (ii) of paragraph (b) of subdivision 1 of section 1193 of the vehicle and traffic law, as amended by chapter 169 of the laws of 2013, is amended to read as follows:

(ii) In addition to the imposition of any fine or period of imprisonment set forth in this paragraph, the court shall also sentence such person convicted of, or adjudicated a youthful offender for, a violation of subdivision two, two-a or three of section eleven hundred ninety-two of this article to a term of probation or conditional discharge, as a condition of which it shall order such person to install [~~and~~], maintain **and regularly use**, in accordance with the provisions of section eleven hundred ninety-eight of this article, an ignition interlock device in any motor vehicle owned or operated by such person during the term of such probation or conditional discharge imposed for such violation of section eleven hundred ninety-two of this article and in no event for a period of less than twelve months; provided, however, that such period of interlock restriction shall terminate **earlier** upon **such person's** submission of proof that [~~such person~~] **they** installed [~~and~~], maintained **and regularly used** an ignition interlock device for at least six **continuous** months, unless the court **specifically prohibited such earlier termination and** ordered such person to install [~~and~~], maintain **and regularly use** an ignition interlock device for a longer period as authorized by this subparagraph and specified in such order. The period of inter-

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

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lock restriction shall commence from the earlier of the date of sentencing, or the date that an ignition interlock device was installed in advance of sentencing. Provided, however, the court may not authorize the operation of a motor vehicle by any person whose license or privilege to operate a motor vehicle has been revoked pursuant to the provisions of this section.

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

(iii) In addition to the imposition of any fine or period of imprisonment set forth in this paragraph, the court shall also sentence such person convicted of, or adjudicated a youthful offender for, a violation of subdivision two, two-a or three of section eleven hundred ninety-two of this article to a period of probation or conditional discharge, as a condition of which it shall order such person to install [~~and~~], maintain **and regularly use**, in accordance with the provisions of section eleven hundred ninety-eight of this article, an ignition interlock device in any motor vehicle owned or operated by such person during the term of such probation or conditional discharge imposed for such violation of section eleven hundred ninety-two of this article and in no event for a period of less than twelve months; provided, however, that such period of interlock restriction shall terminate **earlier** upon **such person's** submission of proof that [~~such person~~] **they** installed [~~and~~], maintained **and regularly used** an ignition interlock device for at least six **continuous** months, unless the court **specifically prohibited such earlier termination and** ordered such person to install [~~and~~], maintain [~~a~~] **and regularly use an** ignition interlock device for a longer period as authorized by this subparagraph and specified in such order. The period of interlock restriction shall commence from the earlier of the date of sentencing, or the date that an ignition interlock device was installed in advance of sentencing. Provided, however, the court may not authorize the operation of a motor vehicle by any person whose license or privilege to operate a motor vehicle has been revoked pursuant to the provisions of this section.

§ 3. Paragraph (c) of subdivision 1-a of section 1193 of the vehicle and traffic law, as amended by chapter 669 of the laws of 2007, is amended to read as follows:

(c) A court sentencing a person pursuant to paragraph (a) or (b) of this subdivision shall: (i) order the installation**, maintenance and regular use** of an ignition interlock device approved pursuant to section eleven hundred ninety-eight of this article in any motor vehicle owned or operated by the person so sentenced. Such devices shall remain installed**, maintained and regularly used** during any period of license revocation required to be imposed pursuant to paragraph (b) of subdivision two of this section, and, upon the termination of such revocation period, for an additional period as determined by the court; and (ii) order that such person receive an assessment of the degree of their alcohol or substance abuse and dependency pursuant to the provisions of section eleven hundred ninety-eight-a of this article. Where such assessment indicates the need for treatment, such court is authorized to impose treatment as a condition of such sentence except that such court shall impose treatment as a condition of a sentence of probation or conditional discharge pursuant to the provisions of subdivision three of section eleven hundred ninety-eight-a of this article. Any person ordered to install**, maintain and regularly use** an ignition interlock device pursuant to this paragraph shall be subject to the provisions of

subdivisions four, five, seven, eight and nine of section eleven hundred ninety-eight of this article.

§ 4. Clauses d and e of subparagraph 7 of paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by chapter 251 of the laws of 2007, are amended to read as follows:

d. Notwithstanding any contrary provision of this chapter, if any suspension occurring under this subparagraph has been in effect for a period of thirty days, the holder may be issued a conditional license, in accordance with section eleven hundred ninety-six of this article, provided the holder of such license is otherwise eligible to receive such conditional license. A conditional license issued pursuant to this subparagraph shall not be valid for the operation of a commercial motor vehicle**, a taxicab as defined in this chapter, or any other motor vehicle used for transporting passengers for compensation**. The commissioner shall prescribe by regulation the procedures for the issuance of such conditional license.

e. If the court finds that the suspension imposed pursuant to this subparagraph will result in extreme hardship, the court must issue such suspension, but may grant a hardship privilege, which shall be issued on a form prescribed by the commissioner. For the purposes of this clause, "extreme hardship" shall mean the inability to obtain alternative means of travel to or from the licensee's employment, or to or from necessary medical treatment for the licensee or a member of the licensee's household, or if the licensee is a matriculating student enrolled in an accredited school, college or university travel to or from such licensee's school, college or university if such travel is necessary for the completion of the educational degree or certificate. The burden of proving extreme hardship shall be on the licensee who may present material and relevant evidence. A finding of extreme hardship may not be based solely upon the testimony of the licensee. In no event shall arraignment be adjourned or otherwise delayed more than three business days solely for the purpose of allowing the licensee to present evidence of extreme hardship. The court shall set forth upon the record, or otherwise set forth in writing, the factual basis for such finding. The hardship privilege shall permit the operation of a vehicle only for travel to or from the licensee's employment, or to or from necessary medical treatment for the licensee or a member of the licensee's household, or if the licensee is a matriculating student enrolled in an accredited school, college or university travel to or from such licensee's school, college or university if such travel is necessary for the completion of the educational degree or certificate. A hardship privilege shall not be valid for the operation of a commercial motor vehicle**, a taxicab as defined in this chapter, or any other motor vehicle used for transporting passengers for compensation**.

§ 5. Paragraph (g) of subdivision 7 of section 1196 of the vehicle and traffic law, as amended by section 38 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

(g) Notwithstanding anything to the contrary contained in a certificate of relief from disabilities or a certificate of good conduct issued pursuant to article twenty-three of the correction law, any conditional license or privilege issued to a person convicted of a violation of any subdivision of section eleven hundred ninety-two of this article shall not be valid for the operation of any commercial motor vehicle. In addition, no such conditional license or privilege shall be valid for the operation of a taxicab as defined in this chapter

or any other motor vehicle used for transporting passengers for compensation.

§ 6. Subdivision 1 of section 1198 of the vehicle and traffic law, as amended by chapter 496 of the laws of 2009, is amended to read as follows:

1. Applicability. The provisions of this section shall apply throughout the state to each person required or otherwise ordered by a court as a condition of probation or conditional discharge to install, maintain and [~~operate~~] regularly use an ignition interlock device in any vehicle which [~~he or she~~] they [~~owns~~] own or [~~operates~~] operate.

§ 7. Paragraphs (a) and (b) of subdivision 2 of section 1198 of the vehicle and traffic law, as amended by chapter 496 of the laws of 2009, are amended and a new paragraph (d) is added to read as follows:

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

(b) Nothing contained in this section shall prohibit a court, upon application by a probation department, from modifying the conditions of probation of any person convicted of any violation set forth in paragraph (a) of this subdivision prior to the effective date of this section, to require the installation [~~and~~], maintenance and regular use of a functioning ignition interlock device, and such person shall thereafter be subject to the provisions of this section.

(d) The court shall require that any person who has been convicted of a violation of subdivision two, two-a or three of section eleven hundred ninety-two of this article, or any crime defined by this chapter or the penal law of which an alcohol-related violation of any provision of section eleven hundred ninety-two of this article is an essential element, and whose license has been suspended shall not have such license re-instated unless the person provides proof of compliance with this section to the commissioner, including at least six continuous months or such lengthier period of time as otherwise specifically ordered by the court, of installation, maintenance and regular use of a functioning ignition interlock device in a vehicle owned or operated by such person.

§ 8. Paragraphs (a) and (d) of subdivision 3 of section 1198 of the vehicle and traffic law, as amended by chapter 496 of the laws of 2009, are amended to read as follows:

(a) Notwithstanding any other provision of law, the commissioner may grant a post-revocation conditional license, as set forth in paragraph (b) of this subdivision, to a person who has been convicted of a violation of subdivision two, two-a or three of section eleven hundred ninety-two of this article and who has been sentenced to a period of

probation or conditional discharge, provided the person has satisfied the minimum period of license revocation established by law and the commissioner has been notified that such person may operate only a motor vehicle equipped with a functioning ignition interlock device. No such request shall be made nor shall such a license be granted, however, if such person has been found by a court to have committed a violation of section five hundred eleven of this chapter during the license revocation period or deemed by a court to have violated any condition of probation or conditional discharge set forth by the court relating to the operation of a motor vehicle or the consumption of alcohol. In exercising discretion relating to the issuance of a post-revocation conditional license pursuant to this subdivision, the commissioner shall not deny such issuance based solely upon the number of convictions for violations of any subdivision of section eleven hundred ninety-two of this article committed by such person within the ten years prior to application for such license. Upon the termination of the period of probation or conditional discharge set by the court, the person may apply to the commissioner for restoration of a license or privilege to operate a motor vehicle in accordance with this chapter**, provided that the commissioner shall not restore such person's license without conditions unless the person provides proof to the commissioner of at least six continuous months, or such lengthier period of time as otherwise specifically ordered by the court, of installation, maintenance and regular use of a functioning ignition interlock device in a vehicle owned or operated by such person**.

(d) Nothing contained herein shall prohibit the court from requiring, as a condition of probation or conditional discharge, the installation**, maintenance, and regular use** of a functioning ignition interlock device in any vehicle owned or operated by a person sentenced for a violation of subdivision two, two-a, or three of section eleven hundred ninety-two of this chapter, or any crime defined by this chapter or the penal law of which an alcohol-related violation of any provision of section eleven hundred ninety-two of this chapter is an essential element, if the court in its discretion, determines that such a condition is necessary to ensure the public safety. Imposition of an ignition interlock condition shall in no way limit the effect of any period of license suspension or revocation set forth by the commissioner or the court.

§ 9. Paragraphs (a) and (b) of subdivision 4 of section 1198 of the vehicle and traffic law, paragraph (a) as amended by chapter 169 of the laws of 2013 and paragraph (b) as amended by chapter 496 of the laws of 2009, are amended to read as follows:

(a) Following imposition by the court of the **installation, maintenance and regular** use of an ignition interlock device as a condition of probation or conditional discharge it shall require the person to provide proof of compliance with this section to the court and the probation department or other monitor where such person is under probation or conditional discharge supervision. If the person fails to provide for such proof of installation, **maintenance and regular use for at least six continuous months, or such lengthier period of time as otherwise ordered by the court,** absent a finding by the court of good cause for that failure which is entered in the record, the court may revoke, modify, or terminate the person's sentence of probation or conditional discharge as provided under law **and shall extend any period of license suspension or revocation until such time as the person provides proof of compliance to the court**. Good cause [~~may~~] **shall** include a finding that the person is not the owner of a motor vehicle if

such person asserts under oath that such person is not the owner of any motor vehicle**, did not own a motor vehicle at the time of arrest for the subject violation, does not reside with a spouse who owns a vehicle such person drives at least occasionally, is not an adjudicated youthful offender who resides with a parent or legal guardian who owns a vehicle such offender drives at least occasionally,** and that [~~he or she~~] **they** will not operate any motor vehicle during the period of interlock restriction except as may be otherwise authorized pursuant to law. "Owner" shall have the same meaning as provided in section one hundred twenty-eight of this chapter.

(b) When a court imposes the condition specified in subdivision one of this section, the court shall notify the commissioner in such manner as the commissioner may prescribe, and the commissioner shall note such condition on the operating record of the person subject to such conditions. **The commissioner shall not subsequently remove such conditions from the operating record of the person subject to such conditions unless the person provides proof of compliance with this section to the commissioner, including at least six continuous months, or such lengthier period of time as otherwise specifically ordered by the court, of installation, maintenance and regular use of a functioning ignition interlock device in a vehicle owned or operated by such person.**

§ 10. Subdivision 5 of section 1198 of the vehicle and traffic law is amended by adding a new paragraph (c) to read as follows:

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

§ 11. Section 1198 of the vehicle and traffic law is amended by adding a new subdivision 11 to read as follows:

11. Continuous use standards. The commissioner shall establish guidelines, rules or regulations setting forth the minimum standards a person shall meet to establish proof of compliance with the continuous and regular use requirements of this section.

§ 12. This act shall take effect on the ninetieth day after it shall have become a law, provided, however, that the amendments to section 1198 of the vehicle and traffic law made by sections six, seven, eight, nine, ten and eleven of this act shall not affect the expiration and repeal of such section and shall be deemed repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.