

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:

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 earlier upon such person's
17 submission of proof that [~~such person~~] they installed [~~and~~], maintained
18 and regularly used an ignition interlock device for at least six contin-
19 uous months, unless the court specifically prohibited such earlier
20 termination and ordered such person to install [~~and~~], maintain and regu-
21 larly use an ignition interlock device for a longer period as authorized
22 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.

LBD06230-08-5

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

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

3 § 4. Clauses d and e of subparagraph 7 of paragraph (e) of subdivision
4 2 of section 1193 of the vehicle and traffic law, as amended by chapter
5 251 of the laws of 2007, are amended to read as follows:

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

17 e. If the court finds that the suspension imposed pursuant to this
18 subparagraph will result in extreme hardship, the court must issue such
19 suspension, but may grant a hardship privilege, which shall be issued on
20 a form prescribed by the commissioner. For the purposes of this clause,
21 "extreme hardship" shall mean the inability to obtain alternative means
22 of travel to or from the licensee's employment, or to or from necessary
23 medical treatment for the licensee or a member of the licensee's house-
24 hold, or if the licensee is a matriculating student enrolled in an
25 accredited school, college or university travel to or from such
26 licensee's school, college or university if such travel is necessary for
27 the completion of the educational degree or certificate. The burden of
28 proving extreme hardship shall be on the licensee who may present mate-
29 rial and relevant evidence. A finding of extreme hardship may not be
30 based solely upon the testimony of the licensee. In no event shall
31 arraignment be adjourned or otherwise delayed more than three business
32 days solely for the purpose of allowing the licensee to present evidence
33 of extreme hardship. The court shall set forth upon the record, or
34 otherwise set forth in writing, the factual basis for such finding. The
35 hardship privilege shall permit the operation of a vehicle only for
36 travel to or from the licensee's employment, or to or from necessary
37 medical treatment for the licensee or a member of the licensee's house-
38 hold, or if the licensee is a matriculating student enrolled in an
39 accredited school, college or university travel to or from such
40 licensee's school, college or university if such travel is necessary for
41 the completion of the educational degree or certificate. A hardship
42 privilege shall not be valid for the operation of a commercial motor
43 vehicle, a taxicab as defined in this chapter, or any other motor vehi-
44 cle used for transporting passengers for compensation.

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

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

1 or any other motor vehicle used for transporting passengers for compen-
2 sation.

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

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

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

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

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

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

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

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

1 probation or conditional discharge, provided the person has satisfied
2 the minimum period of license revocation established by law and the
3 commissioner has been notified that such person may operate only a motor
4 vehicle equipped with a functioning ignition interlock device. No such
5 request shall be made nor shall such a license be granted, however, if
6 such person has been found by a court to have committed a violation of
7 section five hundred eleven of this chapter during the license revoca-
8 tion period or deemed by a court to have violated any condition of
9 probation or conditional discharge set forth by the court relating to
10 the operation of a motor vehicle or the consumption of alcohol. In exer-
11 cising discretion relating to the issuance of a post-revocation condi-
12 tional license pursuant to this subdivision, the commissioner shall not
13 deny such issuance based solely upon the number of convictions for
14 violations of any subdivision of section eleven hundred ninety-two of
15 this article committed by such person within the ten years prior to
16 application for such license. Upon the termination of the period of
17 probation or conditional discharge set by the court, the person may
18 apply to the commissioner for restoration of a license or privilege to
19 operate a motor vehicle in accordance with this chapter, provided that
20 the commissioner shall not restore such person's license without condi-
21 tions unless the person provides proof to the commissioner of at least
22 six continuous months, or such lengthier period of time as otherwise
23 specifically ordered by the court, of installation, maintenance and
24 regular use of a functioning ignition interlock device in a vehicle
25 owned or operated by such person.

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

38 § 9. Paragraphs (a) and (b) of subdivision 4 of section 1198 of the
39 vehicle and traffic law, paragraph (a) as amended by chapter 169 of the
40 laws of 2013 and paragraph (b) as amended by chapter 496 of the laws of
41 2009, are amended to read as follows:

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

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

11 (b) When a court imposes the condition specified in subdivision one of
12 this section, the court shall notify the commissioner in such manner as
13 the commissioner may prescribe, and the commissioner shall note such
14 condition on the operating record of the person subject to such condi-
15 tions. The commissioner shall not subsequently remove such conditions
16 from the operating record of the person subject to such conditions
17 unless the person provides proof of compliance with this section to the
18 commissioner, including at least six continuous months, or such lengthi-
19 er period of time as otherwise specifically ordered by the court, of
20 installation, maintenance and regular use of a functioning ignition
21 interlock device in a vehicle owned or operated by such person.

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

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

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

32 11. Continuous use standards. The commissioner shall establish guide-
33 lines, rules or regulations setting forth the minimum standards a person
34 shall meet to establish proof of compliance with the continuous and
35 regular use requirements of this section.

36 § 12. This act shall take effect on the ninetieth day after it shall
37 have become a law, provided, however, that the amendments to section
38 1198 of the vehicle and traffic law made by sections six, seven, eight,
39 nine, ten and eleven of this act shall not affect the expiration and
40 repeal of such section and shall be deemed repealed therewith. Effec-
41 tive immediately, the addition, amendment and/or repeal of any rule or
42 regulation necessary for the implementation of this act on its effective
43 date are authorized to be made and completed on or before such effective
44 date.