STATE OF NEW YORK

2703--B

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, BUTTENSCHON, REYES, WALSH, HAWLEY, MAHER, SIMON, DINOWITZ, WILLIAMS, SEAWRIGHT, SCHIAVONI, LUPARDO, ZINERMAN, GRIFFIN, CUNNINGHAM, CLARK, STIRPE, BURDICK, STECK, PAULIN, EACHUS -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the penal 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, **and** as a condition of [~~**which it**~~] **such probation or conditional discharge,** shall order such person to install and maintain, in accordance with the provisions of section eleven hundred ninety-eight of this article, [~~**an**~~] **a functioning** ignition interlock device in any motor vehicle owned or operated by such person **so sentenced** 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**~~]**. Such devices shall**

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

LBD06230-10-6

remain installed and maintained 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 shall remain installed, maintained and regularly used by such person, for an additional period as determined by the court, and in no event for a period of less than six months. Such period of interlock restriction shall terminate upon submission of proof that such person installed and maintained a functioning ignition interlock device during the period of revocation and, as permitted by the commissioner, installed, maintained and regularly used an ignition interlock device post-revocation for at least six continuous months, unless the court 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. Provided, however, that upon such person's failure to submit proof of compliance with the interlock restriction prior to the expiration or termination of such period of probation or conditional discharge, the court shall impose an additional period of probation or conditional discharge and in no event for a period of less than six months. 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.

§ 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, and as a condition of [~~which it~~] such probation or conditional discharge, shall order such person to install and maintain, in accordance with the provisions of section eleven hundred ninety-eight of this article, [~~an~~] a functioning ignition interlock device in any motor vehicle owned or operated by such person so sentenced 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~~]. Such devices shall remain installed and maintained 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 shall remain installed, maintained and regularly used by such person, for an additional period as determined by the court, and in no event for a period of less than six months. Such period of interlock restriction shall terminate upon submission of proof that such person installed and maintained a functioning ignition interlock device during the period of revocation and, as permitted by the commissioner, installed, maintained and regularly used an ignition interlock device post-revocation for at least six continuous months, unless the court 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. Provided, however, that upon such person's failure to submit proof of compliance with the interlock restriction prior to the expiration or termination of such period of probation or conditional

discharge, the court shall impose an additional period of probation or conditional discharge and in no event for a period of less than six months. 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 **and maintenance** 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 **and maintained** 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 **shall remain installed, maintained and regularly used by the person** for an additional period as determined by the court **and in no event for a period of less than six months**; 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. 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 and operate an ignition interlock device in any vehicle which [~~he or she owns~~] **they own** or [~~operates~~] **operate**.

§ 5. 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 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, 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 of such ignition interlock device shall be a condition of probation**. Such devices shall remain installed and maintained during any period of license revocation required to be imposed pursuant to paragraph (b) of subdivision two of section eleven hundred ninety-two of this article, and, upon the termination of such revocation period, as a condition of probation or conditional discharge, shall remain installed, maintained and regularly used by such person for an additional period as determined by the court and in no event for a period of less than six months. Nothing contained in this section shall prohibit the court from modifying or enlarging the sentence of probation or conditional discharge as provided under law, and, upon such person's failure to submit proof of compliance with the interlock restriction prior to the expiration or termination of such period of probation or conditional discharge, the court shall impose an additional period of probation or conditional discharge and in no event for a period of less than six months**.

(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.

§ 6. Paragraph (a) of subdivision 3 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:

(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**, provides proof to the commissioner of installation and maintenance of a functioning ignition interlock device in a vehicle owned or operated by such person for the duration of the revocation period,** 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 such person submits proof of compliance of installation, maintenance and**

regular use of an ignition interlock device post-revocation for a period of at least six continuous months or a finding by the court of good cause for such failure in accordance with this section.

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

(a) Following imposition by the court of the 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 (i) of installation during the period of revocation of a license or privilege to operate a motor vehicle and (ii) of installation, maintenance and regular use post-revocation for a period of at least six continuous months, absent a finding by the court of good cause for [~~that failure~~] such failures 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. Good cause [~~may include~~] includes 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~~] 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.

§ 8. 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.

§ 9. 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.

§ 10. Paragraph (d) of subdivision 3 of section 65.00 of the penal law, as amended by chapter 556 of the laws of 2013, is amended to read as follows:

(d) For an unclassified misdemeanor, the period of probation shall be a term of two or three years if the authorized sentence of imprisonment is in excess of three months, otherwise the period of probation shall be one year. Where the court has required, as a condition of the sentence for a violation of subdivision two, two-a or three of section eleven hundred ninety-two of the vehicle and traffic law, that the defendant install, maintain and regularly use an ignition interlock device for at least six continuous months and such condition has not been satisfied, the court, at any time prior to the expiration or termination of the period of probation, may impose an additional period. The length of the

additional period shall be fixed by the court at the time it is imposed and shall not be more than two years. All of the incidents of the original sentence, including the authority of the court to modify or enlarge the conditions, shall continue to apply during such additional period.

§ 11. The closing paragraph of subdivision 3 of section 65.05 of the penal law, as amended by chapter 618 of the laws of 1992, is amended to read as follows:

Where the court has required, as a condition of the sentence, that the defendant make restitution of the fruits of [~~his or her~~] **such defendant's** offense [~~or~~]**,** make reparation for the loss caused thereby**, or install, maintain and regularly use an ignition interlock device for at least six continuous months pursuant to a sentence for a violation of subdivision two, two-a or three of section eleven hundred ninety-two of the vehicle and traffic law,** and such condition has not been satisfied, the court, at any time prior to the expiration or termination of the period of conditional discharge, may impose an additional period. The length of the additional period shall be fixed by the court at the time it is imposed and shall not be more than two years. All of the incidents of the original sentence, including the authority of the court to modify or enlarge the conditions, shall continue to apply during such additional period.

§ 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 four, five, six, seven, eight and nine 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.