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:

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 upon submission of proof that such person installed [~~and~~], maintained **and regularly used** an ignition interlock device for at least six 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. 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

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

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vehicle by any person whose license or privilege to operate a motor vehicle has been revoked pursuant to the provisions of this section.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 upon submission of proof that such person installed [~~and~~], maintained **and regularly used** an ignition interlock device for at least six 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. 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 (e) of subdivision 2 of section 1193 of the vehicle and traffic law is amended by adding a new subparagraph 8 to read as follows:

(8) 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.

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

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

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

§ 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 **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 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.

§ 6. 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 **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,** 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 proof of compliance is provided to the court**. Good cause may 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,** 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.

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