



NEW YORK STATE SENATOR

Jack M. Martins

Senate Passes Bill to Toughen Laws for Drinking Under the Influence

JACK M. MARTINS April 5, 2011

| ISSUE: **DRUNK DRIVING**

The New York State Senate passed a bill (S.164C) to create new penalties for individuals supervising another driver while also under the influence of alcohol or drugs, Abbagail's Law, sponsored by Senator George Mazarz (R-C, Newfane), is named after an eight-year-old girl who died in a car accident caused by an inexperienced driver who was supervised by a parent under the influence of alcohol.

"Abbagail's Law closes a big loophole by making it clear that 'supervising drivers' that are drunk will be held accountable for their irresponsible actions," Senator Mazarz said. It's simple to understand: if you are supervising a younger driver, you must be sober. Otherwise, the consequences can be tragic, like in the case of young Abbagail Buzard. When that happens, we have to have a way to bring the guilty to justice."

"If you choose to drink and neglect your responsibility, then you should be charged with a crime. Creating dangerous and potentially deadly conditions on the roadway because the supervising driver has been drinking will not be tolerated," said Senator Jack M. Martins. "I fully support Abbagail's Law. We need to ensure that a tragedy like this doesn't happen again."

“People who are supervising unlicensed drivers have the same crucial responsibility to be fully aware and capable of operating a vehicle as the driver,” Senate Majority Leader Dean Skelos said. “The tragic death of Abbagail Buzard demonstrates that new protections are needed to prevent supervising drivers from being impaired by alcohol or drugs and to hold violators accountable for their actions.”

In September 2009, Abbagail Buzard was at a family gathering when her father, who had been drinking, convinced a 17-year-old cousin with a learner’s permit to drive him to a store to get more beer. Abbagail and three other children also were in the car, with Abbagail sitting on someone’s lap in the back seat. The young driver was operating the vehicle at unreasonable speeds and lost control of the car. Abbagail was thrown from the car when it rolled down an embankment, eventually trapping her underneath the car and killing her. Under current law, neither the driver or the father could be prosecuted for the circumstances leading to her death.

This bill creates new penalties for supervising drivers under the influence of alcohol or drugs. If a supervising driver has a blood-alcohol concentration (BAC) of 0.18 percent or more, they would be charged with a Class E felony. If the BAC concentration is lower, they would face a Class A misdemeanor.

The bill has been sent to the Assembly.