



NEW YORK STATE SENATOR

Eric Adams

Senate Aims to Strengthen Passenger/Highway Safety, Passes “Abigail’s Law”

ERIC ADAMS April 5, 2011

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Senator Adams: Bill Strengthens Penalties Against Intoxicated Supervising Drivers

(Brooklyn, NY) – Senator Eric Adams (D-20) has announced that the New York State Senate has passed legislation aiming to increase safety for passengers and motorists across the state, by significantly strengthening the penalties against supervising drivers who are intoxicated at the time the vehicle their designee – often a teen driver – is in an accident.

Under this bill, supervising drivers under influence of alcohol and/or drugs may be charged with a class A misdemeanor or a class E felony in an aggravated case. Supervising drivers are defined as drivers supervising drivers with junior licenses and learner’s permits.

This bill comes out of the tragic death of 8-year-old Abigail Buzard, who was in a vehicle operated by a teen driver under the supervision of her intoxicated father when a preventable accident occurred and took her life.

“Abigail’s Law is necessary, common-sense legislation that will save lives and deter those who exploit current law from placing children and other passengers in unnecessary danger,” said Senator Adams. “A supervising driver must take their role seriously, as the safety and lives of

others, including their designated driver, is at stake. If someone is under the influence they must call a cab or a sober, fully legal driver, not someone still in the process of earning their full driver's license.”

In September 2009, eight-year-old Abigail Buzard of Orleans County was tragically killed in a car accident. While the driver of the car that night violated numerous laws, the supervising adult, Abigail's father – who was under the influence of alcohol, could not be held responsible for his actions.

The night of the accident, Abigail's father convinced his 17 year old cousin – who had only a learner's permit – to drive him to the store to purchase more alcohol. Due to the number of children in the back seat, Abigail was sitting on a 14-year-old's lap with no seatbelt when, because of reckless speeds, the driver lost control of the vehicle and Abigail was thrown from the car as it rolled down an embankment. Abigail had passed by the time paramedics arrived.

“We all have a responsibility, regardless of the laws in place, to exercise sound judgment and not put other drivers, passengers, or our own safety in danger by driving or supervising novice drivers while under the influence of alcohol and drugs,” the senator concluded.