



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Updates Residents on Public Protections Approved by Senate This Year

CHARLES J. FUSCHILLO JR. July 14, 2011

Senator Charles J. Fuschillo, Jr. (R-Merrick) recently updated residents about legislative actions taken during the 2011 legislative session to improve public protections. Senator Fuschillo sponsored the legislation in the Senate.

“The Senate took action this year to make our roadways safer, take drunk drivers off the road, and protect children and individuals with autism. In addition, we passed a stronger state ethics law which will make government more accountable and transparent. These are all important initiatives which would improve the lives of many people and I am pleased that the Senate took action to address them,” said Senator Fuschillo.

The public protection legislation sponsored by Senator Fuschillo this year includes:

Complete Streets (S5411A):

Will greatly improve roadway safety for pedestrians, bicyclists, and drivers. Under the legislation, state, county, and local agencies will be required to consider complete streets design principles on all projects which receive both federal and state funding. Complete streets design principles are roadway design features that accommodate and facilitate safe travel by pedestrians, bicyclists and motorists of all ages and abilities. These features include sidewalks, paved shoulders suitable for use by bicyclists, bicycle lanes, share the road signage, crosswalks, pedestrian control signalization, bus pull outs, curb cuts, raised crosswalks, ramps and traffic calming measures designed to allow pedestrian and motor traffic to easily coexist.

A Federal Highway Administration safety review found that streets designed with these features improve safety for all users, enabling pedestrians to cross busy roads in two stages, improving bicycle safety and reducing left-turning motorist crashes to zero.

Over 3,000 pedestrians were killed in New York State between 2000 and 2009, according to Transportation for America. National Highway Traffic Safety Administration data shows that 26 percent of all traffic fatalities in New York State involved pedestrians, more than double the national average.

The legislation has been passed by both the Senate and Assembly and will be sent to the Governor for his signature. Governor Cuomo is expected to sign the legislation.

Autism Insurance Reform (S4005A):

Under the legislation, insurance companies will be required to provide coverage for the screening, diagnosis, and treatment of autism spectrum disorders, including behavioral health treatments, speech therapy, occupational therapy, and physical therapy. Right now, families with autism are routinely denied coverage for these treatments and therapies by their insurance companies, forcing them to spend tens of thousands of dollars out of pocket each year just to get the care they need.

The legislation also protects individuals with autism from having their insurance company terminate coverage or refuse to renew, adjust, amend, issue, or execute a policy solely because that individual has been diagnosed with or received treatment for autism spectrum disorders.

Both the Senate and Assembly approved the legislation. Governor Cuomo is expected to sign the legislation when it reaches his desk.

Mandatory Jail for Repeat DWI Offenders (S2597):

Would require mandatory jail sentences for all repeat DWI offenders. Currently, repeat offenders are not required to spend any time in jail and a judge has the discretion to sentence a repeat DWI offender to only a fine and/or community service. Under the legislation, which has been passed by the State Senate:

- * Drunk drivers convicted of two DWI crimes within ten years would be guilty of a Class E felony, face up to four years in jail and/or a fine between \$1,000-\$5,000, and receive a mandatory minimum jail sentence of 30 days.

- * Drunk drivers with three or more DWI convictions within ten years would be guilty of a class D felony, face up to seven years in jail and/or a fine between \$2,000-\$10,000, and receive a mandatory minimum 90 day jail sentence.

- * Drunk drivers convicted of two aggravated DWI crimes (.18 BAC or higher or DWI with a child in the car) within ten years would be guilty of a Class E felony, face up to four years in jail and/or a fine between \$1,000-\$5,000, and receive a mandatory minimum jail sentence of 180 days.

- * Drunk drivers convicted of three or more aggravated DWI crimes (.18 BAC or higher or DWI with a child in the car) within ten years would be guilty of a class D felony, face up to seven years in jail and/or a fine between \$2,000-\$10,000, and receive a mandatory minimum 1 year jail sentence.

Suspending Driver's Licenses of Parents who Fail to Support their Children (S4071):

This law allows New York State to continue suspending the driver's licenses of parents who fail to make their child support payments. Estimates are that the driver's suspension process helps collect as much as \$10 million in child support payments each year. Over 42,000 license suspension orders were issued for failing to pay child support in 2010, according to the New York State Department of Motor Vehicles.

Without this extension, the program would have expired on June 30th.

Judicial Approval of Conditional Licenses for Drunk Driving Defendants (S526A):

This legislation would give judges greater authority to keep dangerous drunk driving defendants off the road. Under current law, those arrested for DWI can apply for a conditional license from the Department of Motor Vehicles (DMV) after an initial 30 day license suspension. These conditional licenses are virtually approved automatically by the DMV. This law would prohibit the DMV from issuing a conditional license to a drunk driving defendant without receiving approval from the judge handling that defendant's case. This legislation has been passed by the Senate.

Stronger Penalties for Wrong-Way and Reckless Drivers (S3452):

This legislation addresses the numerous wrong way driving incidents on Long Island's roadways by creating the new felony crime of aggravated reckless driving. The crime would apply to:

- * Drivers who drive down the roads the wrong way, against the flow of traffic, either knowingly or because they are intoxicated;

- * Drivers who drive more than 30 miles an hour over the speed limit while intoxicated or impaired;

- * Drivers who drive more than 30 miles an hour over the speed limit while racing, pursuing other vehicles, or excessively weaving in and out of traffic.

The legislation has been passed by the Senate.

In addition to these initiatives, Senator Fuschillo supported major ethics reform legislation, entitled the Public Integrity Reform Act of 2011, which significantly expands disclosure of outside employment

and income of legislators, legislative staff, and Executive Branch employees and makes the information available to the public. It creates unprecedented transparency and creates an independent, bipartisan Commission on Public Ethics with strong enforcement powers to investigate violations of law by members of the executive and legislative branches – as well as oversee lobbyists with newly expanded disclosure rules. The legislation could also result in stripping violators of their pensions if they betray the public's trust. The legislation has been passed by the Senate and Assembly and is supported by Governor Cuomo.

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