



NEW YORK STATE SENATOR

Patty Ritchie

'Abbagail's Law' Seeks to Close Bizarre Drunk Driving Loophole

PATTY RITCHIE January 23, 2012

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State Senator Patty Ritchie today hailed the Senate's passage of "Abbagail's Law," a measure she co-sponsored to close a bizarre legal loophole that lets drunk drivers hitch a ride in a car operated by someone with only a Learner's Permit.

The bill is named for Abbagail Buzard, an 8-year-old Western New York girl who was killed in a rollover crash with her underage cousin at the wheel. The driver only had a Learner's Permit, and Abbagail's father, who told police he was too drunk to drive himself, was in the passenger seat, acting as the "supervising driver."

"Astonishingly, there is currently no law that prevents someone from being drunk or under the influence of drugs and still acting as the 'supervising driver' for an inexperienced driver with only a Learner's Permit," Senator Ritchie said.

"The entire purpose of the 'supervising driver' is to give new drivers the benefit of their experience, be able to react in an emergency, and overall, to help them become safe and responsible when they do get a license of their own.

"This loophole has cost at least one young person her life, and it needs to be addressed."

The bill, sponsored by Senator George D. Maziarz, would make it a misdemeanor to act as "supervising driver" while under the influence of drugs or alcohol, and a more serious felony, if the "supervising driver" was under the age of 21.

Abbagail's father was drinking at a family event when he decided to recruit the underage cousin to drive to the store for more alcohol. He placed four children, including Abbagail in the back seat and climbed in the car, which crashed a short time later, crushing the little girl. Abbigail's father spent six months in jail for criminal negligence, but couldn't be charged with more serious crimes.

The bill was sent to the Assembly.