



NEW YORK STATE SENATOR

Robert G. Ortt

## Abbagail's Law Seeks to Close Impaired Driving Loophole

ROBERT G. ORTT May 12, 2015

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### *Senator Ortt Sponsors Bill Named for Orleans County Girl Killed in 2009 Car Accident*

A bill sponsored by State Senator Rob Ortt (R,C,I – North Tonawanda) could now put certain car passengers under the influence of alcohol or drugs in the hot seat. The New York State Senate today passed “Abbagail’s Law,” which would close the legal loophole that lets impaired licensed drivers supervise, or ride in a vehicle operated by, someone with a learner’s permit.

“Abbagail’s Law will save lives and deter individuals from putting children and others in unnecessary danger,” said Sen. Ortt. “Those who are not sober and in charge of supervising someone learning to drive would no longer be able to escape punishment.”

The bill (S2976) would make it a misdemeanor to act as a “supervising driver” while drunk or high, and a felony for aggravated “supervising driver” cases. By definition, a “supervising driver” is a licensed driver supervising someone with a learner’s permit.

The bill is named for 8-year-old Abbagail Buzard of Orleans County. Abby was killed in early September of 2009 in a rollover crash with her underage cousin at the wheel. The cousin, who only had a learner’s permit, was under the supervision of Abby’s intoxicated father. The inexperienced driver lost control of the car and crashed, killing Abby almost instantly.

“After hearing the tragic story about Abbagail, it’s hard to imagine why this common-sense legislation has been held up in the Assembly for years,” said Sen. Ortt. “How many more individuals are we going to let off the hook for being under the influence while supervising an inexperienced driver because of a technicality? Too many lives have been cut short, because of the reckless decisions and actions of intoxicated drivers. An impaired supervisor who lets someone operate a vehicle with a learner’s permit is no different. Abbagail’s Law would close a dangerous loophole and hold a fully licensed individual accountable.”

The bill has been sent to the Assembly.