



NEW YORK STATE SENATOR

Robert G. Ortt

Abbagail's Law Passes Senate, Seeks to Close Impaired Driving Loophole

ANTOINETTE DELBEL March 1, 2016

| ISSUE: **ALCOHOLISM AND DRUG ABUSE**

For the sixth consecutive time, the New York State Senate today passed Abbagail's Law sponsored by Senator Rob Ortt (R,C,I – North Tonawanda). The bill (S2976) would prevent an impaired person with a driver's license from supervising a person behind the wheel who holds a learner's permit.

The bill is named for 8-year-old Abbagail Buzard of Orleans County. Abby was killed in September of 2009 in a rollover crash with her 17-year-old 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. Abby's father, the supervising adult who was under the influence of alcohol, could not be held responsible for her death.

"After hearing the tragic story about Abby, it's hard to imagine why this common-sense legislation has been held up by the Assembly Majority for years," **said Senator Ortt**. "Because of an egregious technicality, dozens of supervising drivers under the influence are being let off the hook. Too many lives have been cut short, because of the reckless decisions and actions of intoxicated drivers. An impaired person who lets someone operate a vehicle with a learner's permit is no different. Abbagail's Law would close this dangerous loophole and fully

hold that licensed individual accountable.”

Abigail’s Law would make it a misdemeanor to act as a “supervising driver” while drunk or high on drugs, and a felony for aggravated “supervising driver” cases. A “supervising driver” is a licensed car passenger who is considered responsible for an individual operating the vehicle with a learner’s permit.

“Abigail’s Law will save lives and deter individuals from putting children and others in unnecessary danger,” **said Senator 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 has been sent to the Assembly.

RELATED LEGISLATION

2015-S2976

- Introduced

- ○ In Committee Assembly
 - In Committee Senate

- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Abigail's law prohibits supervising drivers from acting under the influence of alcohol and/or drugs

January 30, 2015

In Assembly Committee

Sponsored by **Robert G. Ort**

Do you support this bill?