



NEW YORK STATE SENATOR

Robert G. Ortt

Abbagail's Law Passes Senate for 7th Time; Bill Aimed at Drunk Passengers

ANTOINETTE DELBEL January 24, 2017

| ISSUE: **DRUNK DRIVING, DRUGS**



The New York State Senate today passed Abbagail's Law, a bill (S373) sponsored by Senator Rob Ortt (R,C,I – North Tonawanda) that would make it illegal for an impaired licensed driver to ride as a car passenger while acting as a supervisor for a driver who holds a learner's permit.

“An individual just learning to drive should not be put in unnecessary danger because of the irresponsible and reckless decisions of a supervising adult under the influence,” **said Senator Ortt**. “Dozens of supervising drivers who are drunk or high on drugs are being let off the hook, because of an egregious loophole in the law. Abbagail’s Law will save lives, deter individuals from putting children at risk, and fully hold that licensed individual accountable. It’s time for the Assembly Majority to pass this common-sense legislation once and for all.”

Abbagail’s Law first passed the Senate in 2011 and every year after that including the last time in March of 2016. This year marks the seventh consecutive time the Senate has acted on the bill. The legislation has never passed in the Assembly.

Abbagail’s Law would make it a misdemeanor to act as a “supervising driver” while drunk or under the influence of 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.

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 was driving with 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.

The bill has been sent to the Assembly.

RELATED LEGISLATION

2017-S373

- 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 03, 2017

In Senate Committee [Transportation](#)

Sponsored by [Robert G. Ort](#)

Do you support this bill?
