



NEW YORK STATE SENATOR

Shirley L. Huntley

Abbagail's Law

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News From New York State

Senator Shirley L. Huntley

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Senate Aims to Strengthen Passenger/Highway Safety, Passes “Abbagail’s Law”

Bill Strengthens Penalties Against Intoxicated Supervising Drivers

Senator Shirley L. Huntley (D-Jamaica) has announced that the New York State Senate has passed legislation aiming to increase safety for passengers and motorists across the state, by significantly strengthening the penalties against supervising drivers who are intoxicated at the time the vehicle their designee – often a teen driver – is in an accident.

Under this bill, supervising drivers under influence of alcohol and/or drugs may be charged with a class A misdemeanor or a class E felony in an aggravated case. Supervising drivers are defined as drivers supervising drivers with junior licenses and learner's permits.

This bill comes out of the tragic death of 8-year-old Abbagail Buzard, who was in a vehicle operated by a teen driver under the supervision of her intoxicated father when a preventable accident occurred and took her life.

In the 10th senatorial district, and most importantly the borough of Queens, which has over 2 million people there are new drivers every day getting their permit or junior license. The supervising driver must be responsible and ensure the driver is operating the vehicle safely and in accordance with the law.

On certain roadways or high traffic intersections in Queens such as Queens Boulevard it is imperative that a supervising driver is cognitive and can react quickly to what an inexperienced driver may be doing on the road. He/she can provide a calming influence especially during circumstances where there are many cars and pedestrians in the area.

"Abbagail's Law is necessary, common-sense legislation that will save lives and deter those who exploit current law from placing children and other passengers in unnecessary danger," said Senator Huntley. "A supervising driver must take their role seriously, as the safety and lives of others, including their designated driver, are at stake. If someone is under the influence they must call a cab or a sober, fully legal drive, not someone still in the process of earning their full driver's license."

In September 2009, eight year old Abbagail Buzard of Orleans County was tragically killed in a car accident. While the driver of the car that night violated numerous laws, the supervising adult, Abbagail's father – who was under the influence of alcohol – could not be held responsible for his actions.

The night of the accident, Abbagail's father convinced his 17 year old cousin – who had only a learner's permit – to drive him to the store to purchase more alcohol. Due to the number of children in the back seat, Abbagail was sitting on a 14-year-old's lap with no seatbelt when, because of reckless speeds, the driver lost control of the vehicle and Abbagail was thrown from the car as it rolled down an embankment. Abbagail had passed by the time paramedics arrived.

“We all have a responsibility, regardless of the laws in place, to exercise sound judgment and not put other drivers, passengers, or our own safety in danger by driving or supervising novice drivers while under the influence of alcohol and drugs,” the senator concluded.