



NEW YORK STATE SENATOR

Dean G. Skelos

## Senate Acts to Make Roads Safer, Help Residents Obtain Star Tax Benefits

DEAN G. SKELOS May 3, 2011

### *Bills Passed to Prosecute Dangerous Drivers and Assist Seniors Who Miss Tax Deadlines*

The New York State Senate today passed 18 bills that covered a variety of topics including the strengthening of penalties and prohibitions for dangerous driving, as well as helping certain property owners receive the STAR tax exemption benefits for which they are eligible.

### *Dangerous Driving*

Two of the bills, sponsored by Senator Charles J. Fuschillo, Jr. (R, Merrick), would make roads safer and give law enforcement important tools to prosecute those who are impaired while driving. Bill S.600A clearly defines “intoxication” and “impairment” as a state of mind, notwithstanding the intoxicant. Currently, individuals can be charged with a DWI offense only if they are intoxicated or impaired by alcohol or by one of the drugs listed in the public health law. This legal loophole allows those who ingest substances not listed in the law (such

as inhaling an aerosol can) to escape being charged with DWI. This would ensure that all intoxicated drivers can be charged with DWI, regardless of the substance they use.

Bill S.526A builds upon existing drunk driving laws to require the court's consent to do a case-by-case examination of the issuance of a conditional license following a DWI charge. On February 22, 2009, Suffolk County Police Officer Glen Ciano was killed after being hit by a vehicle driven by Jose Borbon, who had been charged with Driving While Intoxicated and had a conditional license issued just 30 days after the charge. Both bills have been sent to the Assembly.

"Driving is not a right, it is a privilege," said Senator Fuschillo, Chairman of the Senate's Transportation Committee. "Someone who abuses that privilege by driving drunk should not be allowed to go right back on the road without a judge's review and consent. In addition, no intoxicated driver should be able to escape prosecution simply because they got intoxicated off of one substance instead of another. Someone who drives while intoxicated, no matter what the substance is, needs to be held accountable for endangering the safety of others. I am pleased that the Senate approved these common sense measures to keep people safe from intoxicated drivers."

"Too many lives have been lost due to driver carelessness and irresponsibility, and today, the Senate took important steps to protect our communities," Senate Majority Leader Dean G. Skelos said. "Senator Fuschillo's bills address crucial issues that will keep potentially dangerous drivers off the roads longer and help ensure the prosecution of individuals who jeopardize our communities by using substances that hinder their ability to drive safely."

Other legislation passed today that would protect drivers and make our roads safer includes a strengthening of existing laws preventing texting-while-driving. The bill, S.939, sponsored by Senator Carl Marcellino (R-Syosset) will make it easier for law enforcement to crack down on texting-while-driving offenses, increases penalties and would help prevent tragic accidents caused by drivers distracted by texting. The bill has been sent to the Assembly.

### ***Seniors and Others Helped in Claiming STAR Benefits***

Legislation (S.3576) sponsored by Senator Kenneth P. LaValle (R-C-I, Port Jefferson) also passed today and will help make it easier for property owners to claim STAR benefits if they missed the March 1 filing deadlines. This is particularly important to senior citizens, who must remember to file for the enhanced STAR exemption each year. Missing the deadline, and therefore the exemption, could result in a homeowner facing an unexpected and significantly increased tax bill. This bill instead authorizes municipalities to accept STAR applications after the locality's taxable status date and before January 10 of the following year.

"My bill eliminates the angst that taxpayers are presently experiencing because of the dramatic increase in taxes as a result of missing the March 1st application deadline," said Senator LaValle.

“STAR exemptions are extremely important in letting seniors stay in their homes and in their communities,” Senator Skelos said. “If a homeowner does not file in time, they face a much higher tax burden in the coming year, and by enabling them to claim the credit after the initial deadline, it can help rectify a simple, but costly error that will make a significant difference in their wallet.”

The bill has been sent to the Assembly.