



**STATE OF NEW YORK
DEPARTMENT OF MOTOR VEHICLES
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**BARBARA J. FIALA
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May 2, 2013

Honorable Charles J. Fuschillo, Jr.
Chairman, Senate Standing Committee on Transportation
New York State Senate
5550 Merrick Road, #205
Massapequa, NY 11758

Dear Senator Fuschillo:

I wanted to share some comments on the topic of your hearing regarding recent school bus crashes held on May 2, 2013 in Farmingdale, New York.

The October 2012 arrests of three school bus drivers operating school buses while intoxicated that occurred in Long Island highlights the importance of protecting our students. DMV's role is to ensure the provisions of Article 19-A of the Vehicle and Traffic Law, which sets standards for the qualification of bus drivers, are carried out. First, DMV's Bus Driver Unit reviews the criminal histories of school bus driver applicants to determine if they are qualified.

A 19-A applicant may be disqualified for a period of either 5 years or permanently for specific convictions of the Penal Law. Some examples of a 5 year disqualification include convictions for Vehicular Assault (Penal Law section 120.3) or Burglary (Penal Law section 140.20) and examples of permanent disqualifications include convictions for Conspiracy (Penal Law section 105.15), Manslaughter (Penal Law section 125.15) or Criminal Sale of a Controlled Substance (Penal Law section 200.30).

If a school bus applicant is qualified and they are employed as a school bus driver, they are enrolled into the DMV's 19-A program. If a school bus driver's license is suspended or revoked for any reason, the driver is automatically disqualified and cannot operate a school bus for as long as the suspension or revocation remains in effect. The motor carrier that employs the school bus driver is immediately notified of the disqualification.

For alcohol convictions, a 19-A driver will be disqualified for a one (1) year period if the offense was while operating a non-school vehicle. If the offense was while operating a school

vehicle, a 19-A driver will be disqualified for a five (5) year period. If a 19-A driver has two alcohol convictions, regardless of the type of vehicle they were operating at the time, they will be permanently disqualified from driving a school bus.

We are aware that Senator Maziarz has introduced Senate Bill 1374 which would require that every school bus manufactured for use in New York on or after July 1, 2015 be equipped with a functioning ignition interlock device, as approved by the National Highway Traffic Safety Administration (NHTSA) and the New York State Department of Transportation (DOT). Current statute provides for the installation of an interlock device upon conviction of certain offenses. In November of 2009, the Child Passenger Protection Act, also known as Leandra's Law, was signed into law. Among other things, Leandra's Law requires the installation of an ignition interlock for all convictions of misdemeanor and felony DWIs. Further, in September of 2012, the Department of Motor Vehicles issued new regulations, which includes the requirement, in certain circumstances, of the installation of an ignition interlock as a condition of relicensing after revocation for an alcohol or drug impaired driving offense. The requirement for interlock devices on school buses would require an assessment by stakeholders that includes, but is not limited to, an examination of its practicality, the overall safety implications, and the impact upon local school districts, businesses and other affected parties.

DMV remains committed to reducing the incidence of impaired driving on New York's roadways and continues to work toward that goal.

Sincerely,



Barbara J. Fiala