



Mothers Against Drunk Driving
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Support A 9554 to help stop drug impaired driving

The Honorable William Magnarelli
Chair, Assembly Transportation Committee

Dear Chair Magnarelli and Assembly Transportation Committee Members,

Mothers Against Drunk Driving (MADD) urges your support for A 9554 to ensure the enforcement, prosecution and adjudication of Driving Under the Influence of Drug laws. MADD thanks you Chairman Magnarelli for authoring this legislation to modernize the drug-impaired driving law.

Presence of a drug does not necessarily equal impairment. However, A 9554 gives Drug Recognition Experts (DRE) the resources necessary to determine if a driver is impaired by drugs. Certified DREs determine whether a driver's impairment is due to drug use rather than neurological conditions, illness, or disease. A DRE evaluation helps to insure that drivers who are actually impaired by cannabis and drugs are charged as New York State law requires. The mere presence of a drug in a driver's system is not sufficient.

Key provisions of A 9554:

- **License revocation for DRE refusal.** A driver who refuses to submit to a drug recognition evaluation, a chemical test (or a field test) hampers the investigation that will either support an arrest or exonerate the driver. A 9554 provides the same license revocation for refusing a DRE exam that already exists for refusing a chemical test.
- **Gives court ability to order chemical test.** Expands the circumstances where a court can order a compulsory chemical test in a suspected drunk or drugged driving crash. Currently, it can only be done in crashes where there is death or serious physical injury. The new measure includes language from the leaving the scene of an crash and expands compulsory tests supported by probable cause to any crash with personal injury and/or where the driver has a history of convictions for impaired driving.
- Updates the law regarding suspension of licenses pending prosecution by adding drugged drivers with charges supported by testing or admissions. The provision reflects the bill's updates to the definitions of driving while under the influence of drugs.
- **Re-establishes "impaired" and "intoxicated" as separate standards.** The two standards are necessary to recognize the distinct and scientifically supported danger of drug impaired driving
- **Allows for use of oral fluid tests.** This legislation also updates New York law regarding field testing for drugged driving to include the use of oral/bodily fluids. This testing screens for the recent use of multiple types of drugs.

Please support A 9554 to improve the drug-impaired driving law. If you have any questions, please do not hesitate to contact me at shawn.hirst@madd.org or 631-547-6233 ext. 3668. Thank you in advance for your consideration of this request.

Sincerely,

Shawn Hirst

MADD New York Regional Executive Director