S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to prohibiting the use of dashboard computers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The vehicle and traffic law is amended by adding a new section 1225-e to read as follows:

S 1225-E. USE OF DASHBOARD COMPUTERS. 1. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO PERSON SHALL OPERATE A MOTOR VEHICLE WHILE USING ANY DASHBOARD COMPUTER WHILE SUCH VEHICLE IS IN MOTION.

2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING DEFINITIONS:

(A) "DASHBOARD COMPUTER" MEANS ANY DASHBOARD-MOUNTED HUMAN-MACHINE INTERFACE (HMI) MODULE INCLUDING ANY MODULAR VEHICLE COMPUTER, VEHICLE INFOTAINMENT COMPUTER, TOUCHSCREEN DASHBOARD-MOUNTED COMPUTER, AND ANY HMI THAT PERFORMS FUNCTIONS INCLUDING, BUT NOT LIMITED TO, INTERNET ACCESS, E-MAIL ACCESS AND/OR VIDEO PLAYBACK.

(B) "USING" MEANS TOUCHING, LOOKING AT, VIEWING, ACCESSING, BROWSING, READING, AND/OR WATCHING.

3. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO:

(A) THE USE OF A DASHBOARD COMPUTER FOR THE SOLE PURPOSE OF COMMUNICATING WITH ANY OF THE FOLLOWING REGARDING AN EMERGENCY SITUATION:

(I) AN EMERGENCY RESPONSE OPERATOR;

(II) A HOSPITAL;

(III) A PHYSICIAN'S OFFICE OR HEALTH CLINIC;

(IV) AN AMBULANCE COMPANY OR CORPS;

(V) A FIRE DEPARTMENT, DISTRICT OR COMPANY;

(VI) OR A POLICE DEPARTMENT;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(B) THE USE OF A DASHBOARD COMPUTER TO ACCESS:
(I) TEMPERATURE CONTROLS;
(II) MUSIC CONTROLS, INCLUDING SATELLITE RADIO, AM/FM RADIO OR COMPACT DISK CONTROLS AND DISPLAYS;
(III) OTHER DRIVER CONTROL PANEL FUNCTIONS;
(IV) ANY GLOBAL POSITIONING SYSTEM UNIT; OR
(V) ANY ADVANCED DRIVING ASSISTANCE SYSTEMS, INCLUDING DAY OR NIGHT VISION SUPPORT, PARKING AIDS, OR ADAPTIVE CRUISE CONTROL;
(C) ANY OF THE FOLLOWING PERSONS WHILE IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES:
(I) A POLICE OFFICER OR PEACE OFFICER;
(II) A MEMBER OF A FIRE DEPARTMENT, DISTRICT OR COMPANY;
(III) OR THE OPERATOR OF AN AUTHORIZED EMERGENCY VEHICLE AS DEFINED IN SECTION ONE HUNDRED ONE OF THIS CHAPTER.

4. THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO AUTHORIZE THE SEIZURE OR FORFEITURE OF A DASHBOARD COMPUTER, UNLESS OTHERWISE PROVIDED BY LAW.

5. A VIOLATION OF THIS SECTION SHALL BE A TRAFFIC INFRACTION AND SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED FIFTY DOLLARS.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.