

9482

I N   A S S E M B L Y

March 10, 2016

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Introduced by M. of A. ORTIZ -- read once and referred to the Committee  
on Transportation

AN ACT to amend the vehicle and traffic law, in relation to use of  
mobile telephones and portable electronic devices while a child is in  
a motor vehicle

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

1     Section 1. Subdivision 4 of section 1225-c of the vehicle and traffic  
2     law, as amended by section 6 of part B of chapter 55 of the laws of  
3     2014, is amended to read as follows:  
4     4. A violation of subdivision two of this section shall be a traffic  
5     infraction and shall be punishable by a fine of not less than fifty  
6     dollars nor more than two hundred dollars upon conviction of a first  
7     violation; upon conviction of a second violation, both of which were  
8     committed within a period of eighteen months, such violation shall be  
9     punished by a fine of not less than fifty dollars nor more than two  
10    hundred fifty dollars; upon conviction of a third or subsequent  
11    violation, all of which were committed within a period of eighteen  
12    months, such violation shall be punished by a fine of not less than  
13    fifty dollars nor more than four hundred fifty dollars; PROVIDED, HOWEV-  
14    ER, THAT IF A CHILD WHO IS FIFTEEN YEARS OF AGE OR LESS IS IN THE MOTOR  
15    VEHICLE AT THE TIME OF THE VIOLATION OF SUBDIVISION TWO OF THIS SECTION,  
16    SUCH VIOLATION SHALL BE A MISDEMEANOR AND SHALL BE PUNISHABLE BY A FINE  
17    OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED  
18    DOLLARS, IMPRISONMENT FOR NOT MORE THAN NINETY DAYS, OR BOTH SUCH FINE  
19    AND IMPRISONMENT.  
20    S 2. Subdivision 6 of section 1225-d of the vehicle and traffic law,  
21    as amended by section 7 of part B of chapter 55 of the laws of 2014, is  
22    amended to read as follows:  
23    6. A violation of this section shall be a traffic infraction and shall  
24    be punishable by a fine of not less than fifty dollars nor more than two  
25    hundred dollars upon conviction of a first violation; upon conviction of  
26    a second violation, both of which were committed within a period of  
27    eighteen months, such violation shall be punished by a fine of not less

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

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1 than fifty dollars nor more than two hundred fifty dollars; upon  
2 conviction of a third or subsequent violation, all of which were commit-  
3 ted within a period of eighteen months, such violation shall be punished  
4 by a fine of not less than fifty dollars nor more than four hundred  
5 fifty dollars; PROVIDED, HOWEVER, THAT IF A CHILD WHO IS FIFTEEN YEARS  
6 OF AGE OR LESS IS IN THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION OF  
7 THIS SECTION, SUCH VIOLATION SHALL BE A MISDEMEANOR AND SHALL BE PUNISH-  
8 ABLE BY A FINE OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS NOR MORE THAN  
9 FIVE HUNDRED DOLLARS, IMPRISONMENT FOR NOT MORE THAN NINETY DAYS, OR  
10 BOTH SUCH FINE AND IMPRISONMENT.

11 S 3. This act shall take effect on the first of September next  
12 succeeding the date on which it shall have become a law.