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

6360

2009-2010 Regular Sessions

I N A S S E M B L Y

March 2, 2009

Introduced by M. of A. ORTIZ, EDDINGTON -- Multi-Sponsored by -- M. of A. HOOPER, JACOBS, P. RIVERA, TOWNS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to establishing a toll-free statewide telephone number for use in collecting information to assist in the investigation and prevention of the use of mobile telephones

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-d to read as follows:

S 1225-D. REPORTING USE OF MOBILE TELEPHONES. 1. THE DEPARTMENT SHALL ESTABLISH A TOLL-FREE STATEWIDE TELEPHONE NUMBER FOR USE IN COLLECTING INFORMATION TO ASSIST IN THE INVESTIGATION AND PREVENTION OF THE USE OF MOBILE TELEPHONES IN VIOLATION OF SECTION TWELVE HUNDRED TWENTY-FIVE-C OF THIS ARTICLE. SUCH TOLL-FREE NUMBER SHALL BE USED BY PERSONS TO REPORT OBSERVATIONS OF PERSONS OPERATING A MOTOR VEHICLE WHILE USING A MOBILE TELEPHONE IN VIOLATION OF SUCH SECTION. UPON MAKING THE REPORT, SUCH PERSON SHALL PROVIDE HIS OR HER NAME, ADDRESS, PHONE NUMBER AND LICENSE PLATE NUMBER AND SHALL INDICATE WITH SPECIFICITY THEIR OBSERVATION INCLUDING, BUT NOT LIMITED TO, THE LICENSE PLATE OF THE MOTOR VEHICLE OBSERVED.

2. THE DEPARTMENT SHALL ISSUE A WARNING TO THE OPERATOR FOR THE FIRST OFFENSE REPORTED THROUGH THE HOTLINE. IF SUCH OPERATOR IS REPORTED FOR A SUBSEQUENT OFFENSE, THE PENALTY SHALL BE ISSUED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION FOUR OF SECTION TWELVE HUNDRED TWENTY-FIVE-C OF THIS ARTICLE; PROVIDED, HOWEVER, IF THE OPERATOR IS ABLE TO REBUT THE CHARGE THAT THE OPERATOR WAS NOT ENGAGED IN A CALL OR WAS NOT THE PERSON OPERATING THE MOTOR VEHICLE, THIS SHALL BE A VALID DEFENSE AND THE REPORTER MAKING THE FALSE REPORT SHALL PAY A FINE OF TWO HUNDRED DOLLARS.

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

LBD09915-01-9

S 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.