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

327

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PERALTA, CYMBROWITZ, McDONOUGH, WALKER -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BENJAMIN, CAHILL, CLARK, DINOWITZ, GLICK, MAYERSOHN, J. RIVERA, TOWNS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the operation of motor vehicles with a display device

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

Section 1. Subdivision 24 of section 375 of the vehicle and traffic law, as amended by chapter 39 of the laws of 1989, is amended to read as follows:

24. (A) It shall be unlawful to operate upon any public highway in this state a motor vehicle which is equipped with a [television receiving set] DISPLAY DEVICE within view of the operator or in which a [television receiving set] DISPLAY DEVICE is in operation within the view of the operator. A motor vehicle shall not be deemed to be equipped with a [television receiving set] DISPLAY DEVICE (I) solely because such [set] DISPLAY DEVICE utilizes power from such vehicle OR (II) IF SUCH DISPLAY DEVICE IS EQUIPPED WITH A FUNCTIONING DEVICE THAT DISABLES SUCH EQUIPMENT WHENEVER SUCH MOTOR VEHICLE IS IN MOTION. The provisions of this subdivision shall not prohibit a vehicle with a weight of ten thousand pounds or more or a school bus from using closed-circuit television receiving equipment exclusively for safety and maneuvering purposes, in accordance with regulations to be established by the commissioner.

(B) NO OTHERWISE PERMITTED AFTERMARKET VISUAL DISPLAY DEVICE OR SYSTEM SHALL BE INSTALLED OR MOUNTED IN A MANNER THAT IMPAIRS THE OPERATOR'S VIEW, CONTROL OF THE VEHICLE OR OPERATION OF THE VEHICLE'S SAFETY EQUIPMENT.

(C) FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "DISPLAY DEVICE" SHALL MEAN EQUIPMENT DESIGNED AND USED FOR THE PURPOSE OF RECEIVING AND

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

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DISPLAYING BROADCAST TELEVISION IMAGES, VISUAL IMAGES FROM A DIGITAL VIDEO DISC RECORDER OR PLAYER OR VIDEO CASSETTE RECORDER OR PLAYER, OR VISUAL IMAGES WHILE TRANSMITTED BY WIRELESS DIGITAL TECHNOLOGY. SUCH TERM SHALL NOT INCLUDE:

(I) VEHICLE INFORMATION, DRIVER INFORMATION OR INSTRUMENTATION DISPLAYS;

(II) A GLOBAL POSITIONING, NAVIGATIONAL OR MAPPING DISPLAY;

(III) A VISUAL DISPLAY PRODUCED BY TECHNOLOGY THAT ENHANCES OR SUPPLEMENTS THE DRIVER'S VIEW OF THE EXTERIOR TO THE REAR, FRONT OR SIDES OF A MOTOR VEHICLE FOR THE PURPOSE OF MANEUVERING THE VEHICLE AND AVOIDING CONTACT WITH PERSONS, ANIMALS OR OBJECTS;

(IV) ANY DISPLAY DEVICE OR SYSTEM USED FOR DISPLAYING INFORMATION INTENDED TO ENHANCE TRAFFIC SAFETY;

(V) ANY CONTROLS AND DISPLAYS RELATED TO AN AUDIO ENTERTAINMENT SYSTEM, HEATING OR AIR CONDITIONING SYSTEM, OR OTHER ACCESSORY INTEGRATED INTO THE ELECTRICAL SYSTEM OF A MOTOR VEHICLE;

(VI) ANY DISPLAY DEVICE OR SYSTEM IN A VEHICLE THAT PERMITS THE VEHICLE OPERATOR TO MONITOR VEHICLE OCCUPANTS SEATED REARWARD OF SUCH OPERATOR;

(VII) ANY DISPLAY DEVICE OR SYSTEM THE PRIMARY FUNCTION OF WHICH IS TRANSMITTING AND RECEIVING EMERGENCY ALERT MESSAGES;

(VIII) ANY DISPLAY DEVICE OR SYSTEM THE PRIMARY FUNCTION OF WHICH IS TRANSMITTING AND RECEIVING MESSAGES RELATED TO THE OPERATION OF THE VEHICLE;

(IX) ANY USE OF A DISPLAY DEVICE OR SYSTEM WHILE A VEHICLE IS PARKED; AND

(X) ANY DISPLAY DEVICE OR SYSTEM USED IN A POLICE VEHICLE, FIRE VEHICLE, AMBULANCE OR OTHER EMERGENCY VEHICLE.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that 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.