

786

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

---

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

AN ACT to amend the vehicle and traffic law, in relation to inattentive  
driving, and to amend the state finance law, in relation to creating  
the attentive driver education fund

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

1     Section 1. Legislative findings and intent. The legislature finds and  
2 determines that the National Highway Traffic Safety Administration  
3 (NHTSA), whose mission it is to save lives, prevent injuries, and reduce  
4 traffic related health care costs and other economic costs through regu-  
5 lation, enforcement, economic incentives, educational programs, basic  
6 and applied research, and technology demonstration programs, has taken a  
7 particular interest in the issue of driver distraction.  
8     The legislature finds that NHTSA encourages states to actively enforce  
9 their reckless and inattentive driving laws, regardless of the causes of  
10 such behavior.  
11     For this reason, the legislature finds that New York state should  
12 vigorously enforce its current reckless driving law and enact an inat-  
13 tentive driving statute to better discourage drivers from engaging in  
14 non-driving related activities while driving or using a motor vehicle;  
15 activities that can interfere with or endanger other users of public  
16 highways.  
17     The legislature further directs the governor's traffic safety commit-  
18 tee to create a public outreach program to inform and educate the public  
19 about the dangers of reckless and inattentive driving and to encourage  
20 safe driving habits.  
21     S 2. The vehicle and traffic law is amended by adding a new section  
22 1212-a to read as follows:

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

LBD03724-01-9

1 S 1212-A. INATTENTIVE DRIVING. 1. INATTENTIVE DRIVING SHALL MEAN  
2 ENGAGING IN ANY NON-DRIVING ACTIVITY WHILE DRIVING A MOTOR VEHICLE,  
3 MOTORCYCLE, OR ANY OTHER VEHICLE PROPELLED BY ANY POWER OTHER THAN  
4 MUSCULAR POWER, WHERE (A) THE NON-DRIVING ACTIVITY UNREASONABLY INTER-  
5 FERES WITH THE FREE AND PROPER USE OF THE PUBLIC HIGHWAY; OR (B) THE  
6 NON-DRIVING ACTIVITY UNREASONABLY ENDANGERS OTHER PEOPLE WHO ARE USING  
7 THE PUBLIC HIGHWAYS. EVERY PERSON VIOLATING THE PROVISIONS OF THIS  
8 SECTION SHALL BE GUILTY OF A TRAFFIC INFRACTION.

9 2. ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBDIVISION ONE OF THIS  
10 SECTION SHALL BE PUNISHED AS FOLLOWS: (A) BY A FINE OF NOT LESS THAN  
11 FIFTY DOLLARS NOR MORE THAN ONE HUNDRED FIFTY DOLLARS FOR ANY CONVICTION  
12 THAT IS NOT COVERED UNDER PARAGRAPH (B) OF THIS SUBDIVISION; OR (B) BY A  
13 FINE OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS NOR MORE THAN TWO  
14 HUNDRED FIFTY DOLLARS FOR A CONVICTION THAT OCCURS WITHIN SIX MONTHS OF  
15 A PREVIOUS CONVICTION UNDER THIS SECTION.

16 S 3. Section 1212 of the vehicle and traffic law, as added by chapter  
17 47 of the laws of 1988, is amended to read as follows:

18 S 1212. Reckless driving. (A) Reckless driving shall mean:

19 1. driving or using any motor vehicle, motorcycle or any other vehicle  
20 propelled by any power other than muscular power or any appliance or  
21 accessory thereof in a manner which unreasonably interferes with the  
22 free and proper use of the public highway, or unreasonably endangers  
23 users of the public highway. Reckless driving is prohibited; OR

24 2. VIOLATING THE PROVISIONS OF SECTION TWELVE HUNDRED TWELVE-A OF THIS  
25 ARTICLE THREE TIMES, ALL OF WHICH ARE WITHIN A PERIOD OF EIGHTEEN  
26 MONTHS.

27 (B) Every person violating this provision shall be guilty of a misde-  
28 meanor.

29 S 4. The governor's traffic safety committee, with the cooperation of  
30 the department of motor vehicles, the department of transportation, the  
31 division of state police, and any other department, division, board,  
32 bureau, commission, agency or public authority of the state or any poli-  
33 tical subdivision deemed necessary by the committee shall develop and  
34 implement a public outreach campaign to inform the general public of the  
35 dangers of reckless and inattentive driving, including additional  
36 hazards created by engaging in non-driving related activities while  
37 driving a motor vehicle; and to encourage safe driving habits.

38 S 5. Subdivision 3 of section 1809 of the vehicle and traffic law, as  
39 amended by chapter 309 of the laws of 1996, is amended to read as  
40 follows:

41 3. The mandatory surcharge provided for in subdivision one of this  
42 section shall be paid to the clerk of the court or administrative tribu-  
43 nal that rendered the conviction. Within the first ten days of the month  
44 following collection of the mandatory surcharge the collecting authority  
45 shall determine the amount of mandatory surcharge collected and, if it  
46 is an administrative tribunal or a town or village justice court, it  
47 shall pay such money to the state comptroller who shall deposit such  
48 money in the state treasury pursuant to section one hundred twenty-one  
49 of the state finance law to the credit of the general fund; PROVIDED,  
50 HOWEVER, THAT THE COMPTROLLER SHALL DEPOSIT SUCH MONEY COLLECTED FOR  
51 VIOLATIONS OF SECTION TWELVE HUNDRED TWELVE-A OF THIS CHAPTER TO THE  
52 CREDIT OF THE ATTENTIVE DRIVER EDUCATION FUND ESTABLISHED PURSUANT TO  
53 SECTION NINETY-EIGHT-D OF THE STATE FINANCE LAW. If such collecting  
54 authority is any other court of the unified court system, it shall,  
55 within such period, pay such money to the state commissioner of taxation  
56 and finance to the credit of the criminal justice improvement account

1 established by section ninety-seven-bb of the state finance law;  
2 PROVIDED, HOWEVER, THAT THE STATE COMMISSIONER OF TAXATION AND FINANCE  
3 SHALL DEPOSIT SUCH MONEY COLLECTED FOR VIOLATIONS OF SECTION TWELVE  
4 HUNDRED TWELVE-A OF THIS CHAPTER TO THE CREDIT OF THE ATTENTIVE DRIVER  
5 EDUCATION FUND ESTABLISHED PURSUANT TO SECTION NINETY-EIGHT-D OF THE  
6 STATE FINANCE LAW. The crime victim assistance fee provided for in  
7 subdivision one of this section shall be paid to the clerk of the court  
8 or administrative tribunal that rendered the conviction. Within the  
9 first ten days of the month following collection of the crime victim  
10 assistance fee, the collecting authority shall determine the amount of  
11 crime victim assistance fee collected and, if it is an administrative  
12 tribunal or a town or village justice court, it shall pay such money to  
13 the state comptroller who shall deposit such money in the state treasury  
14 pursuant to section one hundred twenty-one of the state finance law to  
15 the credit of the criminal justice improvement account established by  
16 section ninety-seven-bb of the state finance law.

17 S 6. The state finance law is amended by adding a new section 98-d to  
18 read as follows:

19 S 98-D. ATTENTIVE DRIVER EDUCATION FUND. 1. THERE IS HEREBY ESTAB-  
20 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSION-  
21 ER OF MOTOR VEHICLES A FUND KNOWN AS THE ATTENTIVE DRIVER EDUCATION  
22 FUND.

23 2. THE FUND SHALL CONSIST OF MONIES RECEIVED BY THE STATE FROM ANY  
24 COURT OF THE UNIFIED COURT SYSTEM PURSUANT TO SECTION EIGHTEEN HUNDRED  
25 NINE OF THE VEHICLE AND TRAFFIC LAW FOR VIOLATIONS OF SECTION TWELVE  
26 HUNDRED TWELVE-A OF SUCH LAW, AND ALL OTHER FINES, FEES, GRANTS,  
27 BEQUESTS, OR OTHER MONIES CREDITED, APPROPRIATED OR TRANSFERRED THERETO  
28 FROM ANY OTHER FUND OR SOURCE.

29 3. THE MONIES OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE,  
30 SHALL BE MADE AVAILABLE TO THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR  
31 THE DEVELOPMENT AND IMPLEMENTATION OF A PUBLIC OUTREACH CAMPAIGN AS  
32 PROVIDED IN SECTION FOUR OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE  
33 THAT ADDED THIS SECTION.

34 4. THE MONIES OF THE FUND MADE AVAILABLE PURSUANT TO SUBDIVISION THREE  
35 OF THIS SECTION SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMP-  
36 TROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF MOTOR  
37 VEHICLES. AT THE END OF EACH YEAR ANY MONIES REMAINING IN THE FUND SHALL  
38 BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND. THE  
39 INTEREST AND INCOME EARNED ON MONEY IN THE FUND, AFTER DEDUCTING ANY  
40 APPLICABLE CHARGES, SHALL BE CREDITED TO THE FUND.

41 S 7. This act shall take effect on the first of January next succeed-  
42 ing the date on which it shall have become a law.