

5643

2011-2012 Regular Sessions

I N   S E N A T E

June 8, 2011

---

Introduced by Sens. MARCELLINO, ALESI, ROBACH -- 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 the use of portable electronic devices while driving

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

1     Section 1. Subdivision 4 of section 1225-d of the vehicle and traffic  
2 law, as added by chapter 403 of the laws of 2009, is amended to read as  
3 follows:  
4     4. A person who holds a portable electronic device in a conspicuous  
5 manner while operating a motor vehicle is presumed to be using such  
6 device. The presumption established by this subdivision is rebuttable by  
7 evidence [showing] TENDING TO SHOW that the operator was not using the  
8 device within the meaning of this section.  
9     S 2. Subdivision 6 of section 1225-d of the vehicle and traffic law,  
10 as added by chapter 403 of the laws of 2009, is amended to read as  
11 follows:  
12     6. A violation of this section shall be a traffic infraction and shall  
13 be punishable by a fine of not more than one hundred fifty dollars.  
14 [Provided, however, that a summons for operating a motor vehicle in  
15 violation of this section shall only be issued when there is reasonable  
16 cause to believe that the person operating such motor vehicle has  
17 committed a violation of the laws of this state other than a violation  
18 of this section.]  
19     S 3. This act shall take effect immediately.

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

LBD03315-02-1