

1294

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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 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. Paragraph (b) of subdivision 2 of section 1225-d of the  
2 vehicle and traffic law, as added by chapter 403 of the laws of 2009, is  
3 amended to read as follows:

4 (b) "Using" shall mean holding a portable electronic device while (I)  
5 viewing, taking or transmitting images, (II) playing games, or (III)  
6 composing, sending, reading, viewing, accessing, browsing, transmitting,  
7 saving or retrieving e-mail, text messages, or other electronic data.

8 S 2. Subdivision 4 of section 1225-d of the vehicle and traffic law,  
9 as added by chapter 403 of the laws of 2009, is amended to read as  
10 follows:

11 4. A person who holds a portable electronic device in a conspicuous  
12 manner while operating a motor vehicle is presumed to be using such  
13 device. The presumption established by this subdivision is rebuttable by  
14 evidence [showing] TENDING TO SHOW that the operator was not using the  
15 device within the meaning of this section.

16 S 3. Subdivision 6 of section 1225-d of the vehicle and traffic law,  
17 as added by chapter 403 of the laws of 2009, is amended to read as  
18 follows:

19 6. A violation of this section shall be a traffic infraction and shall  
20 be punishable by a fine of not more than one hundred fifty dollars.  
21 [Provided, however, that a summons for operating a motor vehicle in  
22 violation of this section shall only be issued when there is reasonable  
23 cause to believe that the person operating such motor vehicle has  
24 committed a violation of the laws of this state other than a violation  
25 of this section.]

26 S 4. This act shall take effect immediately.

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

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