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

4289

2011-2012 Regular Sessions

I N A S S E M B L Y

February 2, 2011

Introduced by M. of A. P. RIVERA -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to prohibiting the use of any wireless communications device at such times during the takeoff and landing of a commercial passenger aircraft as the crew of such aircraft shall determine

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

Section 1. The general business law is amended by adding a new section 244 to read as follows:

S 244. USE OF WIRELESS COMMUNICATIONS DEVICES PROHIBITED AT CERTAIN TIMES. 1. FOR THE PURPOSES OF THIS SECTION, "WIRELESS COMMUNICATIONS DEVICE" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY SUBDIVISION NINE OF SECTION THREE HUNDRED ONE OF THE COUNTY LAW.

2. NO PERSON ABOARD A COMMERCIAL PASSENGER AIRCRAFT SHALL OPERATE OR USE A WIRELESS COMMUNICATIONS DEVICE AFTER BEING INSTRUCTED OR NOTIFIED BY A MEMBER OF THE CREW OF SUCH AIRCRAFT THAT THE USE OF SUCH DEVICE IS PROHIBITED DURING THE DEPARTURE AND TAKEOFF FROM AN AIRPORT IN THIS STATE, OR DURING THE LANDING OR ARRIVAL AT ANY LOCATION IN THE STATE. NO SUCH OPERATION OR USE SHALL BE AUTHORIZED UNTIL A MEMBER OF THE CREW OF THE COMMERCIAL PASSENGER AIRCRAFT AUTHORIZES THE USE THEREOF.

3. A VIOLATION OF SUBDIVISION TWO OF THIS SECTION SHALL BE A MISDEMEANOR WHICH UPON THE FIRST CONVICTION THEREOF SHALL BE PUNISHABLE BY A FINE OF TWO THOUSAND FIVE HUNDRED DOLLARS, AND UPON ANY SUBSEQUENT CONVICTION THEREOF SHALL BE PUNISHABLE BY IMPRISONMENT OF SIX MONTHS.

4. ANNUALLY ON OR BEFORE JANUARY FIFTEENTH, EACH DISTRICT ATTORNEY SHALL REPORT TO THE ATTORNEY GENERAL THE NUMBER OF VIOLATIONS OF THIS SECTION HIS OR HER OFFICE PROSECUTED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR. EACH SUCH REPORT SHALL INCLUDE THE PLACE, CIRCUMSTANCES AND DISPOSITION OF EACH VIOLATION. ON OR BEFORE FEBRUARY FIRST, EACH YEAR, THE ATTORNEY GENERAL SHALL SUBMIT A REPORT TO THE GOVERNOR AND THE

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

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LEGISLATURE WHICH SHALL INCLUDE THE INFORMATION REPORTED TO THE ATTORNEY GENERAL BY THE DISTRICT ATTORNEYS PURSUANT TO THIS SUBDIVISION FOR THE PREVIOUS CALENDAR YEAR.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.