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

8106

2011-2012 Regular Sessions

I N A S S E M B L Y

June 1, 2011

Introduced by M. of A. WEISENBERG, 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:

Section 1. Subdivision 4 of section 1225-d of the vehicle and traffic law, as added by chapter 403 of the laws of 2009, is amended to read as follows:

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

S 2. Subdivision 6 of section 1225-d of the vehicle and traffic law, as added by chapter 403 of the laws of 2009, is amended to read as follows:

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

S 3. 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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