

8106

2011-2012 Regular Sessions

I N   A S S E M B L Y

June 1, 2011

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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:

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.

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