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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. MARCELLINO -- 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 prohibiting
the use of dashboard computers

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

- 1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1225-e to read as follows:
3 S 1225-E. USE OF DASHBOARD COMPUTERS. 1. EXCEPT AS OTHERWISE PROVIDED
4 IN THIS SECTION, NO PERSON SHALL OPERATE A MOTOR VEHICLE WHILE USING ANY
5 DASHBOARD COMPUTER WHILE SUCH VEHICLE IS IN MOTION.
6 2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE
7 THE FOLLOWING DEFINITIONS:
8 (A) "DASHBOARD COMPUTER" MEANS ANY DASHBOARD-MOUNTED HUMAN-MACHINE
9 INTERFACE (HMI) MODULE INCLUDING ANY MODULAR VEHICLE COMPUTER, VEHICLE
10 INFOTAINMENT COMPUTER, TOUCHSCREEN DASHBOARD-MOUNTED COMPUTER, AND ANY
11 HMI THAT PERFORMS FUNCTIONS INCLUDING, BUT NOT LIMITED TO, INTERNET
12 ACCESS, E-MAIL ACCESS AND/OR VIDEO PLAYBACK.
13 (B) "USING" MEANS TOUCHING, LOOKING AT, VIEWING, ACCESSING, BROWSING,
14 READING, AND/OR WATCHING.
15 3. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY
16 TO:
17 (A) THE USE OF A DASHBOARD COMPUTER FOR THE SOLE PURPOSE OF COMMUNI-
18 CATING WITH ANY OF THE FOLLOWING REGARDING AN EMERGENCY SITUATION:
19 (I) AN EMERGENCY RESPONSE OPERATOR;
20 (II) A HOSPITAL;
21 (III) A PHYSICIAN'S OFFICE OR HEALTH CLINIC;
22 (IV) AN AMBULANCE COMPANY OR CORPS;
23 (V) A FIRE DEPARTMENT, DISTRICT OR COMPANY;
24 (VI) OR A POLICE DEPARTMENT;

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

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1 (B) THE USE OF A DASHBOARD COMPUTER TO ACCESS:
2 (I) TEMPERATURE CONTROLS;
3 (II) MUSIC CONTROLS, INCLUDING SATELLITE RADIO, AM/FM RADIO OR COMPACT
4 DISK CONTROLS AND DISPLAYS;
5 (III) OTHER DRIVER CONTROL PANEL FUNCTIONS;
6 (IV) ANY GLOBAL POSITIONING SYSTEM UNIT; OR
7 (V) ANY ADVANCED DRIVING ASSISTANCE SYSTEMS, INCLUDING DAY OR NIGHT
8 VISION SUPPORT, PARKING AIDS, OR ADAPTIVE CRUISE CONTROL;
9 (C) ANY OF THE FOLLOWING PERSONS WHILE IN THE PERFORMANCE OF THEIR
10 OFFICIAL DUTIES:
11 (I) A POLICE OFFICER OR PEACE OFFICER;
12 (II) A MEMBER OF A FIRE DEPARTMENT, DISTRICT OR COMPANY;
13 (III) OR THE OPERATOR OF AN AUTHORIZED EMERGENCY VEHICLE AS DEFINED IN
14 SECTION ONE HUNDRED ONE OF THIS CHAPTER.
15 4. THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO AUTHORIZE
16 THE SEIZURE OR FORFEITURE OF A DASHBOARD COMPUTER, UNLESS OTHERWISE
17 PROVIDED BY LAW.
18 5. A VIOLATION OF THIS SECTION SHALL BE A TRAFFIC INFRACTION AND SHALL
19 BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED FIFTY DOLLARS.
20 S 2. This act shall take effect on the ninetieth day after it shall
21 have become a law.