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I N A S S E M B L Y

January 9, 2014

Introduced by M. of A. KATZ -- read once and referred to the Committee
on Transportation

AN ACT to amend the vehicle and traffic law, in relation to prohibiting
the operation of a motor vehicle while using a wearable computer with
a head-mounted display

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

1 Section 1. Paragraphs (a) and (b) of subdivision 2 of section 1225-d
2 of the vehicle and traffic law, as amended by section 8 of part C of
3 chapter 58 of the laws of 2013, are amended to read as follows:
4 (a) "Portable electronic device" shall mean any hand-held mobile tele-
5 phone, as defined by subdivision one of section twelve hundred twenty-
6 five-c of this article, personal digital assistant (PDA), handheld
7 device with mobile data access, laptop computer, pager, broadband
8 personal communication device, two-way messaging device, electronic
9 game, or portable computing device, WEARABLE COMPUTER WITH A HEAD-MOUNT-
10 ED DISPLAY, or any other electronic device when used to input, write,
11 send, receive, or read text for present or future communication.
12 (b) "Using" shall mean holding a portable electronic device OR USING A
13 WEARABLE COMPUTER WITH HEAD-MOUNTED DISPLAY while viewing, taking or
14 transmitting images, playing games, or, for the purpose of present or
15 future communication: performing a command or request to access a world
16 wide web page, composing, sending, reading, viewing, accessing, brows-
17 ing, transmitting, saving or retrieving e-mail, text messages, instant
18 messages, or other electronic data.
19 S 2. Subdivision 2 of section 1225-d of the vehicle and traffic law is
20 amended by adding a new paragraph (e) to read as follows:
21 (E) "WEARABLE COMPUTER WITH A HEAD-MOUNTED DISPLAY" SHALL MEAN A
22 COMPUTING DEVICE WHICH IS WORN ON THE HEAD AND PROJECTS VISUAL INFORMA-
23 TION INTO THE FIELD OF VISION OF THE WEARER.
24 S 3. Subdivision 4 of section 1225-d of the vehicle and traffic law,
25 as amended by section 10 of part C of chapter 58 of the laws of 2013, is
26 amended to read as follows:

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

1 4. A person who holds a portable electronic device in a conspicuous
2 manner OR USING A WEARABLE COMPUTER WITH HEAD-MOUNTED DISPLAY while
3 operating a motor vehicle or while operating a commercial motor vehicle
4 on a public highway including while temporarily stationary because of
5 traffic, a traffic control device, or other momentary delays but not
6 including when such commercial motor vehicle is stopped at the side of,
7 or off, a public highway in a location where such vehicle is not other-
8 wise prohibited from stopping by law, rule, regulation or any lawful
9 order or direction of a police officer is presumed to be using such
10 device, except that a person operating a commercial motor vehicle while
11 using a portable electronic device when such vehicle is stopped at the
12 side of, or off, a public highway in a location where such vehicle is
13 not otherwise prohibited from stopping by law, rule, regulation or any
14 lawful order or direction of a police officer shall not be presumed to
15 be using such device. The presumption established by this subdivision is
16 rebuttable by evidence tending to show that the operator was not using
17 the device within the meaning of this section.
18 S 4. This act shall take effect immediately.