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

2729

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. KATZ -- Multi-Sponsored by -- M. of A. GIGLIO, SALADINO -- 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraphs (a) and (b) of subdivision 2 of section 1225-d of the vehicle and traffic law, as amended by section 8 of part C of chapter 58 of the laws of 2013, are amended to read as follows:

(a) "Portable electronic device" shall mean any hand-held mobile telephone, as defined by subdivision one of section twelve hundred twenty-five-c of this article, personal digital assistant (PDA), handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device, WEARABLE COMPUTER WITH A HEAD-MOUNTED DISPLAY, or any other electronic device when used to input, write, send, receive, or read text for present or future communication.

(b) "Using" shall mean holding a portable electronic device OR USING A WEARABLE COMPUTER WITH HEAD-MOUNTED DISPLAY while viewing, taking or transmitting images, playing games, or, for the purpose of present or future communication: performing a command or request to access a world wide web page, composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, instant messages, or other electronic data.

S 2. Subdivision 2 of section 1225-d of the vehicle and traffic law is amended by adding a new paragraph (e) to read as follows:

(E) "WEARABLE COMPUTER WITH A HEAD-MOUNTED DISPLAY" SHALL MEAN A COMPUTING DEVICE WHICH IS WORN ON THE HEAD AND PROJECTS VISUAL INFORMATION INTO THE FIELD OF VISION OF THE WEARER.

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

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S 3. Subdivision 4 of section 1225-d of the vehicle and traffic law, as amended by section 10 of part C of chapter 58 of the laws of 2013, is amended to read as follows:

4. A person who holds a portable electronic device in a conspicuous manner OR USING A WEARABLE COMPUTER WITH HEAD-MOUNTED DISPLAY while operating a motor vehicle or while operating a commercial motor vehicle on a public highway including while temporarily stationary because of traffic, a traffic control device, or other momentary delays but not including when such commercial motor vehicle is stopped at the side of, or off, a public highway in a location where such vehicle is not otherwise prohibited from stopping by law, rule, regulation or any lawful order or direction of a police officer is presumed to be using such device, except that a person operating a commercial motor vehicle while using a portable electronic device when such vehicle is stopped at the side of, or off, a public highway in a location where such vehicle is not otherwise prohibited from stopping by law, rule, regulation or any lawful order or direction of a police officer shall not be presumed to be using such device. The presumption established by this subdivision is rebuttable by evidence tending to show that the operator was not using the device within the meaning of this section.

S 4. This act shall take effect immediately.