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

9482

I N A S S E M B L Y

March 10, 2016

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

AN ACT to amend the vehicle and traffic law, in relation to use of mobile telephones and portable electronic devices while a child is in a motor vehicle

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

Section 1. Subdivision 4 of section 1225-c of the vehicle and traffic law, as amended by section 6 of part B of chapter 55 of the laws of 2014, is amended to read as follows:

4. A violation of subdivision two of this section shall be a traffic infraction and shall be punishable by a fine of not less than fifty dollars nor more than two hundred dollars upon conviction of a first violation; upon conviction of a second violation, both of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than fifty dollars nor more than two hundred fifty dollars; upon conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than fifty dollars nor more than four hundred fifty dollars; PROVIDED, HOWEVER, THAT IF A CHILD WHO IS FIFTEEN YEARS OF AGE OR LESS IS IN THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION OF SUBDIVISION TWO OF THIS SECTION, SUCH VIOLATION SHALL BE A MISDEMEANOR AND SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS, IMPRISONMENT FOR NOT MORE THAN NINETY DAYS, OR BOTH SUCH FINE AND IMPRISONMENT.

S 2. Subdivision 6 of section 1225-d of the vehicle and traffic law, as amended by section 7 of part B of chapter 55 of the laws of 2014, 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 less than fifty dollars nor more than two hundred dollars upon conviction of a first violation; upon conviction of a second violation, both of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less

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

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than fifty dollars nor more than two hundred fifty dollars; upon conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than fifty dollars nor more than four hundred fifty dollars; PROVIDED, HOWEVER, THAT IF A CHILD WHO IS FIFTEEN YEARS OF AGE OR LESS IS IN THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION OF THIS SECTION, SUCH VIOLATION SHALL BE A MISDEMEANOR AND SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN ONE HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS, IMPRISONMENT FOR NOT MORE THAN NINETY DAYS, OR BOTH SUCH FINE AND IMPRISONMENT.

S 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.