

2729

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 20, 2015

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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 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.

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

LBD04420-01-5

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

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

21 S 4. This act shall take effect immediately.