STATE OF NEW YORK

1291

2017-2018 Regular Sessions

IN ASSEMBLY

January 11, 2017

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

AN ACT to amend the vehicle and traffic law, in relation to inattentive driving, and to amend the state finance law, in relation to creating the attentive driver education fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings and intent. The legislature finds and determines that the National Highway Traffic Safety Administration (NHTSA), whose mission it is to save lives, prevent injuries, and reduce traffic related health care costs and other economic costs through regulation, enforcement, economic incentives, educational programs, basic and applied research, and technology demonstration programs, has taken a particular interest in the issue of driver distraction.

The legislature finds that NHTSA encourages states to actively enforce their reckless and inattentive driving laws, regardless of the causes of such behavior.

For this reason, the legislature finds that New York state should vigorously enforce its current reckless driving law and enact an inattentive driving statute to better discourage drivers from engaging in non-driving related activities while driving or using a motor vehicle; activities that can interfere with or endanger other users of public highways.

The legislature further directs the governor's traffic safety committee to create a public outreach program to inform and educate the public about the dangers of reckless and inattentive driving and to encourage safe driving habits.

§ 2. The vehicle and traffic law is amended by adding a new section 1212-a to read as follows:

§ 1212-a. Inattentive driving. 1. Inattentive driving shall mean engaging in any non-driving activity while driving a motor vehicle,

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

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motorcycle, or any other vehicle propelled by any power other than muscular power, where (a) the non-driving activity unreasonably interferes with the free and proper use of the public highway; or (b) the non-driving activity unreasonably endangers other people who are using the public highways. Every person violating the provisions of this section shall be guilty of a traffic infraction.

2. Any person who violates the provisions of subdivision one of this section shall be punished as follows: (a) by a fine of not less than fifty dollars nor more than one hundred fifty dollars for any conviction that is not covered under paragraph (b) of this subdivision; or (b) by a fine of not less than one hundred fifty dollars nor more than two hundred fifty dollars for a conviction that occurs within six months of a previous conviction under this section.

§ 3. Section 1212 of the vehicle and traffic law, as added by chapter 47 of the laws of 1988, is amended to read as follows:

§ 1212. Reckless driving. (a) Reckless driving shall mean:

1. driving or using any motor vehicle, motorcycle or any other vehicle propelled by any power other than muscular power or any appliance or accessory thereof in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway. Reckless driving is prohibited; or

2. violating the provisions of section twelve hundred twelve-a of this article three times, all of which are within a period of eighteen months.

(b) Every person violating this provision shall be guilty of a misdemeanor.

§ 4. The governor's traffic safety committee, with the cooperation of the department of motor vehicles, the department of transportation, the division of state police, and any other department, division, board, bureau, commission, agency or public authority of the state or any political subdivision deemed necessary by the committee shall develop and implement a public outreach campaign to inform the general public of the dangers of reckless and inattentive driving, including additional hazards created by engaging in non-driving related activities while driving a motor vehicle; and to encourage safe driving habits.

§ 5. Subdivision 3 of section 1809 of the vehicle and traffic law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

3. The mandatory surcharge provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the mandatory surcharge the collecting authority shall determine the amount of mandatory surcharge collected and, if it is an administrative tribunal or a town or village justice court, it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the general fund; provided, however, that the comptroller shall deposit such money collected for violations of section twelve hundred twelve-a of this chapter to the credit of the attentive driver education fund established pursuant to section ninety-eight-d of the state finance law. If such collecting authority is any other court of the unified court system, it shall, within such period, pay such money to the state commissioner of taxation and finance to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law; provided, however, that the state commissioner of taxation and finance

shall deposit such money collected for violations of section twelve hundred twelve-a of this chapter to the credit of the attentive driver education fund established pursuant to section ninety-eight-d of the state finance law. The crime victim assistance fee provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the crime victim assistance fee, the collecting authority shall determine the amount of crime victim assistance fee collected and, if it is an administrative tribunal or a town or village justice court, it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law.

§ 6. The state finance law is amended by adding a new section 98-d to read as follows:

§ 98-d. Attentive driver education fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of motor vehicles a fund known as the attentive driver education fund.

2. The fund shall consist of monies received by the state from any court of the unified court system pursuant to section eighteen hundred nine of the vehicle and traffic law for violations of section twelve hundred twelve-a of such law, and all other fines, fees, grants, bequests, or other monies credited, appropriated or transferred thereto from any other fund or source.

3. The monies of the fund, following appropriation by the legislature, shall be made available to the governor's traffic safety committee for the development and implementation of a public outreach campaign as provided in section four of the chapter of the laws of two thousand seventeen that added this section.

4. The monies of the fund made available pursuant to subdivision three of this section shall be paid out on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of motor vehicles. At the end of each year any monies remaining in the fund shall be retained in the fund and shall not revert to the general fund. The interest and income earned on money in the fund, after deducting any applicable charges, shall be credited to the fund.

§ 7. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.