STATE OF NEW YORK

4115

2017-2018 Regular Sessions

IN ASSEMBLY

February 1, 2017

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**.

§ 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

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

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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 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**.

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