STATE OF NEW YORK

330

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed 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:

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

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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 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.