

STATE OF NEW YORK

3113

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

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:

1 Section 1. Subdivision 4 of section 1225-c of the vehicle and traffic
2 law, as amended by section 6 of part B of chapter 55 of the laws of
3 2014, is amended to read as follows:

4 4. A violation of subdivision two of this section shall be a traffic
5 infraction and shall be punishable by a fine of not less than fifty
6 dollars nor more than two hundred dollars upon conviction of a first
7 violation; upon conviction of a second violation, both of which were
8 committed within a period of eighteen months, such violation shall be
9 punished by a fine of not less than fifty dollars nor more than two
10 hundred fifty dollars; upon conviction of a third or subsequent
11 violation, all of which were committed within a period of eighteen
12 months, such violation shall be punished by a fine of not less than
13 fifty dollars nor more than four hundred fifty dollars; provided, howev-
14 er, that if a child who is fifteen years of age or less is in the motor
15 vehicle at the time of the violation of subdivision two of this section,
16 such violation shall be a misdemeanor and shall be punishable by a fine
17 of not less than one hundred fifty dollars nor more than five hundred
18 dollars, imprisonment for not more than ninety days, or both such fine
19 and imprisonment.

20 § 2. Subdivision 6 of section 1225-d of the vehicle and traffic law,
21 as amended by section 7 of part B of chapter 55 of the laws of 2014, is
22 amended to read as follows:

23 6. A violation of this section shall be a traffic infraction and shall
24 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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1 hundred dollars upon conviction of a first violation; upon conviction of
2 a second violation, both of which were committed within a period of
3 eighteen months, such violation shall be punished by a fine of not less
4 than fifty dollars nor more than two hundred fifty dollars; upon
5 conviction of a third or subsequent violation, all of which were commit-
6 ted within a period of eighteen months, such violation shall be punished
7 by a fine of not less than fifty dollars nor more than four hundred
8 fifty dollars; provided, however, that if a child who is fifteen years
9 of age or less is in the motor vehicle at the time of the violation of
10 this section, such violation shall be a misdemeanor and shall be punish-
11 able by a fine of not less than one hundred fifty dollars nor more than
12 five hundred dollars, imprisonment for not more than ninety days, or
13 both such fine and imprisonment.

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