STATE OF NEW YORK

5746

2019-2020 Regular Sessions

IN SENATE

May 14, 2019

Introduced by Sen. LIU -- 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 prohibiting a pedestrian from using a portable electronic device while crossing a roadway

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

Section 1. The vehicle and traffic law is amended by adding a new section 1158 to read as follows:

§ 1158. Use of portable electronic devices. (a) No pedestrian shall cross a roadway at any point while using any portable electronic device.

(b) For purposes of this section: 1. "Portable electronic device" shall mean any handheld mobile telephone, as defined by subdivision one of section twelve hundred twenty-five-c of this title, personal digital assistant (PDA), handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device, or any other electronic device when used to input, write, send, receive, or read text for present or future communication.

2. "Using" shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or, for the purpose of present or future communication: performing a command or request to access a world wide web page, composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, instant messages, or other electronic data.

(c) Subdivision (a) of this section shall not apply to: 1. the use of a portable electronic device for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital; a physician's office or health clinic; an ambulance company or corps; a fire department, district or company; or a police department; and

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

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2. any of the following persons while in the performance of their official duties: a police officer or peace officer; a member of a fire department, district or company; or the operator of an authorized emergency vehicle as defined in section one hundred one of this chapter.

(d) A violation of this section shall be punishable by a fine of not less than twenty-five dollars nor more than fifty 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 violations shall be punished by a fine of not less than fifty dollars nor more than one hundred 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 two hundred fifty dollars.

§ 2. This act shall take effect immediately.