

STATE OF NEW YORK

3083

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. ORTIZ, FAHY, STECK, ASHBY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to prohibiting the use of head-mounted portable electronic devices while driving

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

1 Section 1. Paragraphs (a) and (b) of subdivision 2 and subdivision 4
2 of section 1225-d of the vehicle and traffic law, paragraphs (a) and (b)
3 of subdivision 2 as amended by section 8 and subdivision 4 as amended by
4 section 10 of part C of chapter 58 of the laws of 2013, are amended to
5 read as follows:

6 (a) "Portable electronic device" shall mean any hand-held or head-
7 mounted mobile telephone, as defined by subdivision one of section
8 twelve hundred twenty-five-c of this article, personal digital assistant
9 (PDA), handheld device with mobile data access, laptop computer, pager,
10 broadband personal communication device, two-way messaging device, elec-
11 tronic game, ~~[or]~~ portable computing device, or any other electronic
12 device when used to input, write, send, receive, or read text for pres-
13 ent or future communication.

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

20 4. A person who holds or wears a portable electronic device in a
21 conspicuous manner while operating a motor vehicle or while operating a
22 commercial motor vehicle on a public highway including while temporarily
23 stationary because of traffic, a traffic control device, or other momen-
24 tary delays but not including when such commercial motor vehicle is
25 stopped at the side of, or off, a public highway in a location where

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

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1 such vehicle is not otherwise prohibited from stopping by law, rule,
2 regulation or any lawful order or direction of a police officer is
3 presumed to be using such device, except that a person operating a
4 commercial motor vehicle while using a portable electronic device when
5 such vehicle is stopped at the side of, or off, a public highway in a
6 location where such vehicle is not otherwise prohibited from stopping by
7 law, rule, regulation or any lawful order or direction of a police offi-
8 cer shall not be presumed to be using such device. The presumption
9 established by this subdivision is rebuttable by evidence tending to
10 show that the operator was not using the device within the meaning of
11 this section.

12 § 2. Subdivision 2 of section 1225-d of the vehicle and traffic law is
13 amended by adding a new paragraph (e) to read as follows:

14 (e) "Head-mounted" shall mean wearing a portable electronic device on
15 the head, ears and nose as eyeglasses or eyewear. Common head-mounted
16 portable electronic devices shall include, but not be limited to, Google
17 Glass and Google Glasses, and other similar technologies or devices.

18 § 3. This act shall take effect on the thirtieth day after it shall
19 have become a law.