STATE OF NEW YORK

1316

2021-2022 Regular Sessions

IN SENATE

January 11, 2021

Introduced by Sens. GAUGHRAN, BOYLE, THOMAS -- 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 the use of mobile telephones by operators of motor vehicles who hold learner's permits

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

Section 1. Subdivisions 3 and 4 of section 1225-c of the vehicle and traffic law, subdivision 3 as added by chapter 69 of the laws of 2001 and subdivision 4 as amended by section 6 of part B of chapter 55 of the laws of 2014, are amended to read as follows:

3. Subdivision two of this section shall not apply to (a) the use of a mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, physician's office or health clinic; an ambulance company or corps; a fire department, district or company; or a police department, (b) 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, or (c) the use of a hands-free mobile telephone**, provided, however, that the use of a hands-free mobile telephone shall be prohibited for an operator of a motor vehicle who is a holder of a learner's permit or a class DJ or class MJ license**.

4. A violation of subdivision two **or paragraph (c) of subdivision three** 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

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

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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.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.