

STATE OF NEW YORK

8534

IN SENATE

February 9, 2024

Introduced by Sen. HOYLMAN-SIGAL -- 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 virtual reality devices while operating a motor vehicle

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

1 Section 1. Subdivision 1 and paragraphs (a) and (b) of subdivision 2
2 of section 1225-d of the vehicle and traffic law, subdivision 1 as
3 amended by section 6 and paragraphs (a) and (b) of subdivision 2 as
4 amended by section 8 of part C of chapter 58 of the laws of 2013, are
5 amended to read as follows:

6 1. Except as otherwise provided in this section, no person shall oper-
7 ate a motor vehicle while using any portable electronic device while
8 such vehicle is in motion; nor shall a person use any portable electron-
9 ic device that obstructs their vision, in full or in part, while operat-
10 ing such vehicle; provided, however, that no person shall operate a
11 commercial motor vehicle while using any portable electronic device on a
12 public highway including while temporarily stationary because of traf-
13 fic, a traffic control device, or other momentary delays. Provided
14 further, however, that a person shall not be deemed to be operating a
15 commercial motor vehicle while using a portable electronic device on a
16 public highway when such vehicle is stopped at the side of, or off, a
17 public highway in a location where such vehicle is not otherwise prohib-
18 ited from stopping by law, rule, regulation or any lawful order or
19 direction of a police officer.

20 (a) "Portable electronic device" shall mean any hand-held mobile tele-
21 phone, as defined by subdivision one of section twelve hundred twenty-
22 five-c of this article, personal digital assistant (PDA), handheld
23 device with mobile data access, laptop computer, pager, broadband
24 personal communication device, two-way messaging device, electronic
25 game, ~~[ex]~~ portable computing device, virtual reality device, augmented
26 reality device, or any other electronic device when used to input,
27 write, send, receive, or read text for present or future communication.

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

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1 (b) "Using" shall mean holding or wearing a portable electronic device
2 while viewing, taking or transmitting images, playing games, or, for the
3 purpose of present or future communication: performing a command or
4 request to access a world wide web page, composing, sending, reading,
5 viewing, accessing, browsing, transmitting, saving or retrieving e-mail,
6 text messages, instant messages, or other electronic data.
7 § 2. This act shall take effect immediately.