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:

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

1. Except as otherwise provided in this section, no person shall operate a motor vehicle while using any portable electronic device while such vehicle is in motion; **nor shall a person use any portable electronic device that obstructs their vision, in full or in part, while operating such vehicle;** provided, however, that no person shall operate a commercial motor vehicle while using any portable electronic device on a public highway including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Provided further, however, that a person shall not be deemed to be operating a commercial motor vehicle while using a portable electronic device on a public highway when such vehicle is stopped at the side of, or off, a public highway in a location where such vehicle is not otherwise prohibited from stopping by law, rule, regulation or any lawful order or direction of a police officer.

(a) "Portable electronic device" shall mean any hand-held mobile telephone, as defined by subdivision one of section twelve hundred twenty-five-c of this article, 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, **virtual reality device, augmented reality device,** or any other electronic device when used to input, 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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(b) "Using" shall mean holding **or wearing** 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.

§ 2. This act shall take effect immediately.