



2018 New York State YMCA
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Committee Assignment: Assembly Freedom 4

Bill #: AF-23

1 **Sponsors:** Lauren Andersen, Jessica Graham, Sara Volka

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3 **An Act To**

4 Adopt §1225-e of the New York State Vehicle and Traffic Law to implement and
5 mandate the use of textalyzers.

6

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

9

10 **Purpose**

11 To implement and mandate the use of textalyzers by New York State police officers
12 after an automobile accident.

13

14 **Summary of Provisions**

15 **Section 1: Definitions**

16 **Textalyzer:** an electronic device that can detect whether a person was using an
17 electronic device by utilizing touch patterns without taking personal information.

18 **Field Test:** to test (a device or product) under various conditions of actual use.

19 **Section 2:**

20 **§1225-e. Field testing of mobile phones and portable electronic devices.**

21 **1.) Every person operating a motor vehicle which has been involved in an accident**
22 **or collision involving damage to real or personal property, personal injury or death,**
23 **and who has in his possession at or near the time of such accident or collision, a**
24 **mobile telephone or personal electronic device, shall at the request of a police**
25 **officer, surrender his or her mobile telephone and/or portable electronic device to**
26 **the police officer solely for the purpose of field testing such mobile telephone**
27 **and/or portable electronic device. The police officers are required to explain that**
28 **consent to conduct the test is presumed, provided it is conducted by the police**
29 **officer and that the officer has "reasonable grounds" to believe that a person has**
30 **been operating a motor vehicle in violation of the current prohibition on using**
31 **mobile phones or electronic devices while driving. if a driver refuses such field test**
32 **a written report be completed documenting the refusal and providing rules for**
33 **verification of the report. Police officers be trained periodically in the available**
34 **technology for conducting such field tests. If such field testing determines that the**
35 **operator of the motor vehicle was using his or her mobile telephone or portable**
36 **electronic device in violation of section twelve hundred twenty-five-c or twelve**
37 **hundred twenty-five-d of this article.**

38 **2.) Establishes that the person charged with such violation, upon the basis of a**
39 **written report, will temporarily have his or her license or permit suspended by the**
40 **court without notice pending the determination of a hearing.**

41 **Justification**

42 Distracted driving is a major problem in New York state. It is common for people
43 involved in a crash due to using their cell phones while driving is dishonest with the
44 officers as to whether or not they were actually on their phone. The textalyzer is a
45 device that detects phone usage without directly invading the privacy of the owner
46 of the phone. Without a textalyzer, the cause of a car crash will remain a mystery
47 unless there is physical evidence to make a conviction. Distracted driving is the
48 leading cause of accidents among young drivers, and has led to a significant
49 increase in overall accidents among drivers of all ages. According to the NHTSA,
50 eighty percent of car accidents in New York State were caused by driver inattention.

51
52 **Fiscal Implications**

53 New York State Senators and Assemblymen recently proposed this bill and have
54 stated that there are no foreseen fiscal implications.

55
56 **Effective Date**

57 This bill will go into effect one year after its passage.