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Youth And Government

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FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate 3

Bill #: S-17

1 **Sponsors:** Finn Brauer, Scott Cottier, Alex Garcia, and Andrew Parsnip

2
3 **An Act To** Amend Article 33 § 1225-c of the New York State Vehicle and Traffic
4 Law

5
6 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

7
8 **Purpose** To increase the penalties for the use of mobile telephones while operating
9 a motor vehicle in New York State.

10
11 **Summary of Provisions**

12 Section 1: Definitions

13 Mobile Telephone: The device used by subscribers and other users of wireless
14 telephone service to access such service.

15 Using: Holding a mobile telephone to, or in the immediate proximity of, the user's
16 ear or calling on or answering a mobile telephone by pressing a single button.
17 Viewing, taking, or transmitting images, playing games, performing a command or
18 request to access a webpage for purposes of present or future communication, or
19 composing, sending, reading, viewing, accessing, browsing, saving, or retrieving
20 email, text messages, instant message, or other electronic data. This includes
21 reaching for a mobile telephone in a manner that requires such person to maneuver
22 so that he or she is no longer in a seated driving position.

23 Motor Vehicle: Every vehicle operated or driven upon a public highway which is
24 propelled by any power other than muscular power.

25 Section 2:Provisions

26 Section 2 Vehicle and Traffic Law 33.1225-c. An operator of any motor vehicle who
27 holds a mobile telephone to, or in the immediate proximity of, his or her ear while
28 such vehicle is in motion is presumed to be engaging in a call within the meaning of
29 this section; provided, however, that an operator of a commercial motor vehicle
30 who holds a mobile telephone to, or in the immediate proximity of, his or her ear
31 while such vehicle is temporarily stationary because of traffic, a traffic control
32 device, or other momentary delays is also presumed to be engaging in a call within
33 the meaning of this section except that a person operating a commercial motor
34 vehicle while using a mobile telephone to engage in a call when such vehicle is
35 stopped at the side of, or off, a public highway in a location where such vehicle is
36 not otherwise prohibited from stopping by law, rule, regulation or any lawful order
37 or direction of a police officer shall not be presumed to be engaging in a call within
38 the meaning of this section. The presumption established by this subdivision is
39 rebuttable by evidence tending to show that the operator was not engaged in a call.
40 A violation of subdivision two of this section shall be a traffic infraction and shall be
41 punishable by a fine of not less than fifty one hundred dollars nor more than two
42 hundred dollars upon conviction of a first violation; upon conviction of a second
43 violation, both of which were committed within a period of eighteen months, such



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44 violation shall be punished by a fine of not less than ~~forty~~ thirty ~~hundred~~ hundred dollars nor
45 more than ~~two hundred fifty~~ five hundred dollars; upon conviction of a third or
46 subsequent violation, all of which were committed within a period of eighteen
47 months, such violation shall be punished by a fine of not less than ~~forty~~ thirty ~~hundred~~ hundred
48 dollars nor more than ~~four hundred fifty~~ one thousand dollars.

49

50 **Justification**

51 In New York State, on average, 9 people are killed each day as a result of crashes
52 involving a distracted driver, which amounts to 3,285 deaths per year, according to
53 the NYS Department of Motor Vehicles. 48.6% of drivers say they answer incoming
54 phone calls while driving. Considering there are more than 210 million licensed
55 drivers in America, slightly more than 102 million drivers were answering calls and
56 50 million drivers were placing calls while driving in 2014. At any given daylight
57 moment across America, 2.18 million drivers were using some type of mobile
58 device at a typical daylight moment. In 2016, 26% of the drivers involved in fatal
59 crashes were reported as being distracted at the time of the crashes, and of these,
60 23% were using cell phones. According to the National Safety Council, in 2017,
61 26% of motor vehicle accidents were caused by cell phone use while operating such
62 vehicle.

63

64 **Fiscal Implications**

65 This bill has no fiscal implications.

66

67 **Effective Date**

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