



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Senator Fuschillo Announces Senate Passage of Legislation Banning “Texting” While Driving

CHARLES J. FUSCHILLO JR. July 22, 2009

State Senator Charles J. Fuschillo, Jr. (8<sup>th</sup> Senate District) today announced that the State Senate has passed legislation he supports that would prohibit individuals from sending text messages while driving in New York State.

“Text messaging is an unsafe distraction for a driver because it takes their eyes and attention off the road. Creating new penalties for texting while driving will help deter motorists from texting behind the wheel and improve safety on our roadways,” said Senator Fuschillo, the ranking Republican member of the Senate’s Transportation Committee.

Under the legislation, drivers would be prohibited from using portable electronic devices such as cell phones, blackberries, laptops, or other types of electronic two-way messaging systems to send text messages or emails while driving.

Drivers who violate the law would face fines of up to \$150.

The bill has also been passed by the State Assembly. Governor Paterson is expected to sign the legislation.

---

### **BILL NUMBER: S3619A**

### **TITLE OF BILL:**

An act to amend the vehicle and traffic law, in relation to the graduated licensing program; to repeal section 503-a of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

### **PURPOSE OF THE BILL:**

This bill would enhance highway safety by strengthening the Vehicle and Traffic Law ("VTL") graduated licensing program provisions for safety of junior drivers and their passengers and by limiting driver distraction and inattention by prohibiting the use of portable electronic devices while driving.

### **SUMMARY OF PROVISIONS:**

Section 1 of the bill would amend VTL, § 501(4) to eliminate the reference to limited class DJ and MJ licenses (which is a conforming amend-

ment consistent with the repeal of VTL § 503-a which authorizes such licenses). Holders of DJ and MJ class learner's permits who complete a road test can currently receive a limited class DJ or MJ license if such road test is taken less than 6 months after the permit was issued. A limited class DJ or MJ license permits persons over the age of sixteen, but under the age of eighteen, to operate passenger vehicles and trucks or motorcycles, respectively, and becomes a DJ or MJ license after six months.

Section 2 of the bill would amend VTL § 501-b(c) and (d) to reduce from two to one, the number of non-family passengers under the age of twenty-one who may be a passenger in a motor vehicle operated by the holder of a DJ or MJ learner's permit when not accompanied by a duly licensed parent, guardian, or person in a position of loco parents. The amendment to paragraph (d) would require that a DJ or MJ permit be held for at least six months before a DJ/MJ license is issued.

Section 3 of the bill would amend VTL § 501-b(2) of the VTL to reduce, from two to one, the number of non-family passengers under the age of twenty-one who may be a passenger in a motor vehicle operated by the holder of a DJ or MJ license.

Section 4 of the bill would add a new § VTL 1225-d to prohibit the use of portable electronic devices while operating a motor vehicle while in motion. A summons for operating a motor vehicle while using a portable electronic device shall only be issued when there is reasonable cause to believe that the person operating the motor vehicle has committed a separate violation of the law.

Section 5 of the bill would amend VTL § 502(2)(d) to increase the number of supervised driving hours that an applicant's parent or guardian must certify (in writing) that the applicant for a DJ or MJ license has had (before the applicant may take a road test), from 20 to 50 hours, and also to require that at least 15 of those practice driving hours be after sunset.

Section 6 of the bill would repeal VTL § 503-a which provides for the issuance of limited class DJ and MJ licenses.

Section 7 of the bill would amend VTL § 509(3) to clarify that not only is a person prohibited from operating a motor vehicle in violation of restrictions that are contained on his/her driver's license, but in addition, a person is prohibited from operating a motor vehicle in violation of restrictions that are applicable to (as opposed to being set forth on) the permit or license.

Section 8 of the bill would make conforming amendments to VTL §

510-b(1),(2) and (3) to eliminate references to limited class DJ and MJ licenses.

Section 9 of the bill would amend VTL § 510-c to provide that certain licensing sanctions that result from certain violations committed while a person holds a DJ or MJ permit/license will be imposed against whatever permit or license the person holds at the time of conviction.

Section 10 of the bill would amend VTL § 1229-c(3-a) to eliminate the reference to limited class DJ or MJ licenses.

Section 11 of the bill would allow the continuation of all local laws relating to the operation of a motor vehicle while using a portable electronic device enacted prior to June 10, 2009 but only until November 1, 2009, when the statewide law takes effect. Additionally, it would allow a locality to adopt such local law, ordinance or code after June 10, 2009 but with the same terms of Section 1225-d.

Section 12 of the bill would preempt any local law, ordinance, code, rule or regulation relating to the use of portable electronic devices while operating a motor vehicle, but would not limit state or local agencies from imposing more stringent restrictions than provided in this act upon individuals whom they regulate while performing their duties.

Section 13 of the bill would direct the commissioner of motor vehicles, in consultation with the superintendent of the state police, to study the effects of the use of portable electronic devices in conjunction with the operation of a motor vehicle, including the effects of forms of inattention and distraction and impacts on highway safety.

Section 14 of the bill would provide that this act shall take effect immediately, except that Sections 4 and 12 of this act shall take effect on November 1, 2009, and Sections 1, 2, 3, 5, 6, 8, 9, and 10 of this act shall take effect on the one hundred eightieth day after it shall become law. Further, Section 11 of this act shall expire on November 1, 2009.

#### **EXISTING LAW:**

VTL § 501(4), which provides that certain licenses shall be considered probationary, does not apply to limited class DJ and MJ licenses.

VTL § 501-b(1) and 501-b(2) provides that only two non-family passengers under twenty-one may be a passenger in a motor vehicle operated by the holder of a DJ or MJ learner's permit/license. There are currently no statewide restrictions regarding operation of a motor vehicle while using portable electronic devices. VTL §502(2)(d) provides that before a class DJ or MJ or limited DJ or limited MJ license may be issued, an

applicant must provide - at the time of a road test - a written certification from his/her parent or guardian certifying that the applicant has had 20 hours of supervised driving experience. There is no requirement that any of the 20 hours of supervised driving take place after sunset. VTL §503-a provides for the issuance of limited class DJ and MJ licenses to holders of DJ or MJ learner's permits who pass a road test within the first six months of the permit's validity. VTL §509(3) prohibits a person from operating a motor vehicle in violation of restrictions that are contained on his/her driver's license. VTL § 510-b(1),(2) and (3) provide for the suspension and revocation of licenses for violations committed during a probationary period. VTL §510-c provides that if a junior driver commits certain violations while holding a class DJ or MJ permit or a DJ or MJ license, and the violations are of a number or type that call for the imposition of a license sanction, such sanction may only be imposed against the DJ or MJ permit or license. VTL § 1229-c(3-a) prohibits holders of DJ class learner's permits or limited class DJ or MJ licenses from operating a motor vehicle unless they and all passengers are wearing a seat belt and all passengers under the age of four are restrained in booster seats.

#### **PRIOR LEGISLATIVE HISTORY:**

This is a new bill.

#### **STATEMENT IN SUPPORT:**

According to a 2008 publication by the National Highway Transportation Safety Administration (NHTSA), a significant percentage of junior drivers are involved in traffic crashes and are twice as likely as adult drivers to be in a fatal crash. Sixteen-year old drivers have crash rates that are about three times greater than 17-year old drivers, five times greater than 18-year-old drivers, and approximately twice the rate of 85-year old drivers. Some of the factors contributing to these higher crash rates include lack of driving experience and inadequate driving skills; excessive driving during night-time; risk-taking behavior; poor driving judgment and decision making; and distractions from teenage passengers. NHTSA has encouraged states to implement a graduated licensing system (GDL) to ease young, inexperienced drivers onto the roadways, as an effective way of reducing the incidence of traffic crashes. Various national organizations (e.g., the American Association of Motor Vehicle Administrators (AAMVA), the American Automobile Association (AA), and the Insurance Institute for Highway Safety (IIHS)) and traffic safety researchers have also evaluated, recommended and recognized the benefits of GDL systems, which prolong the learning process and provide a more protective driving environment for the young novice drivers and their passengers.

This legislation would significantly strengthen New York's GDL laws,

bringing New York's program closer to the model GDL laws recommended by NHSTA in a number of important respects, and implementing additional enhancements as well. This bill would eliminate the limited DJ/MJ class license and require that DJ/MJ learner's permits must be held for at least six months before a DJ/MJ or D/M license may be issued. This will help ensure that before teens drive unsupervised they will have had at least six months of supervised driving experience. It will also simplify the current laws regarding junior drivers (who hold DJ/MJ licenses), making the laws more readily understandable by members of the public and law enforcement, and hence more easily enforced. The number of practice driving hours that must be certified by a parent or guardian would increase from the current 20-hour requirement, to 50 hours, 15 hours of which must take place after sunset. The number of non-family passengers under the age 21 who will be able to ride with a junior driver who is not accompanied by a specified supervising adult will be reduced from two to one.

In addition, a technical correction will be made to the VTL provision that prohibits operating in violation of restrictions contained on a license so that the prohibition will apply to restrictions contained on, or applicable to, both licenses and permits. Although GDL programs have been recognized as an effective way to reduce the risks to young drivers, such programs vary from state to state, with some programs being more effective than others. A study by researchers from the Johns Hopkins Bloomberg School of Public Health's Center for Injury and Research and Policy and the Johns Hopkins School of Medicine published in 2006 found that more comprehensive GDL programs have the greatest effect in reducing the incidence of fatal crashes of 16 year old drivers. Studies have also shown that driving skills sharpen over time and that crash rates diminish dramatically during the first year of licensure. This bill would be an important step toward implementing New York's ongoing commitment to solving the tragic problem of fatal and personal injury crashes involving teenagers.

Finally, the use of portable electronic devices, such as hand-held mobile telephones and personal digital assistants (PDAs), while operating a motor vehicle have become a distraction, and therefore a danger and threat to public safety. Crashes due to driver inattention or distraction are on the rise in the United States and they have resulted in more fatalities. The National Highway Traffic Safety Administration estimates that 25 percent of all police-reported crashes involve some form of driver inattention. This bill would help limit driver distraction and inattention by prohibiting any operator in the state from using any portable electronic device while driving, and in turn, enhancing highway safety.

**BUDGET IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

This bill shall take effect immediately, except that Sections 4 and 12 of this act shall take effect on November 1, 2009, and Sections 1, 2, 3, 5, 6, 8, 9, and 10 of this act shall take effect on the one hundred eightieth day after it shall become law. Further, Section 11 of this act shall expire on November 1, 2009. A limited use license issued prior to the effective date would remain valid until it expires.

---

**BILL TEXT:****STATE OF NEW YORK**

---

3619--A

Cal. No. 569

2009-2010 Regular Sessions

**IN SENATE**March 25, 2009  

---

AN ACT to amend the vehicle and traffic law, in relation to the graduated licensing program; to repeal section 503-a of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

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

- 1 Section 1. Subdivision 4 of section 501 of the vehicle and traffic**
- 2 law, as amended by chapter 644 of the laws of 2002, is amended to read**
- 3 as follows:**

4 4. Probationary licenses. Any driver's license, other than a class DJ  
5 and class MJ license [or limited class DJ and MJ license], shall be  
6 considered probationary until the expiration of six months following the  
7 date of issuance thereof, and thereafter as provided in section five  
8 hundred ten-b of this title, but this subdivision shall not apply to  
9 renewals of a license, or, unless so provided by the commissioner, to a  
10 license for which a road test has been waived by the commissioner.

11 § 2. Paragraphs (c) and (d) of subdivision 1 of section 501-b of the  
12 vehicle and traffic law, as added by chapter 644 of the laws of 2002,  
13 are amended to read as follows:

14 (c) operate a motor vehicle with more than [two passengers] one  
15 passenger who [are] is under the age of twenty-one and who [are] is not  
16 [members] a member of such holder's immediate family, provided, however,  
17 that the provisions of this [subparagraph] paragraph shall not apply  
18 when such holder is accompanied by a duly licensed parent, guardian,

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

LBD09379-10-9

S. 3619--A

2

1 person in a position of loco parentis, driver education teacher  
or driv-

2 ing school instructor;

3 (d) be eligible for issuance of a class DJ [or], MJ, D or M  
license

4 unless such permit [and/or limited class DJ or MJ license issued pursu-  
5 ant to section five hundred three-a of this article, singly or in combi-  
6 nation, have] has been valid for at least six months. Any time period in  
7 which such class DJ or MJ learner's permit [or limited class DJ or MJ  
8 license] has been suspended or revoked shall not be counted in determin-  
9 ing the length of time that such learner's permit [or limited license]  
10 has been valid.

11 § 3. Paragraph (b) of subdivision 2 of section 501-b of the vehicle  
12 and traffic law, as added by chapter 644 of the laws of 2002, is amended

13 to read as follows:

14 (b) with more than [two passengers] one passenger who [are] is under  
15 the age of twenty-one and who [are] is not [members] a member of such  
16 holder's immediate family, provided, however, that the provisions of  
17 this [subparagraph] paragraph shall not apply when such holder is accom-  
18 panied by a duly licensed parent, guardian, person in a position of loco  
19 parentis, driver education teacher or driving school instructor.

20 § 4. The vehicle and traffic law is amended by adding a new section  
21 1225-d to read as follows:

22 § 1225-d. Use of portable electronic devices. 1. Except as otherwise  
23 provided in this section, no person shall operate a motor vehicle while  
24 using any portable electronic device while such vehicle is in motion.

25 2. For the purposes of this section, the following terms shall have  
26 the following meanings:

27 (a) "Portable electronic device" shall mean any hand-held mobile tele-  
28 phone, as defined by subdivision one of section twelve hundred twenty-  
29 five-c of this article, personal digital assistant (PDA), handheld  
30 device with mobile data access, laptop computer, pager, broadband  
31 personal communication device, two-way messaging device, electronic  
32 game, or portable computing device.

33 (b) "Using" shall mean holding a portable electronic device while  
34 viewing, taking or transmitting images, playing games, or composing,  
35 sending, reading, viewing, accessing, browsing, transmitting, saving or  
36 retrieving e-mail, text messages, or other electronic data.

37 3. Subdivision one of this section shall not apply to (a) the use of a  
38 portable electronic device for the sole purpose of communicating with  
39 any of the following regarding an emergency situation: an emergency  
40 response operator; a hospital; a physician's office or health clinic; an  
41 ambulance company or corps; a fire department, district or company; or a  
42 police department, (b) any of the following persons while in the  
43 performance of their official duties: a police officer or peace officer;  
44 a member of a fire department, district or company; or the operator of  
45 an authorized emergency vehicle as defined in section one hundred one of  
46 this chapter.

47 4. A person who holds a portable electronic device in a conspicuous



48 manner while operating a motor vehicle is presumed to be using such  
49 device. The presumption established by this subdivision is rebuttable by  
50 evidence showing that the operator was not using the device within the  
51 meaning of this section.

52 5. The provisions of this section shall not be construed as authoriz-  
53 ing the seizure or forfeiture of a portable electronic device, unless  
54 otherwise provided by law.

55 6. A violation of this section shall be a traffic infraction and shall  
56 be punishable by a fine of not more than one hundred fifty dollars.

S. 3619--A

3

1 Provided, however, that a summons for operating a motor vehicle in  
2 violation of this section shall only be issued when there is reasonable  
3 cause to believe that the person operating such motor vehicle has  
4 committed a violation of the laws of this state other than a violation  
5 of this section.

6 § 5. Paragraph (d) of subdivision 2 of section 502 of the vehicle and  
7 traffic law, as amended by chapter 644 of the laws of 2002, is amended  
8 to read as follows:

9 (d) An applicant for a class DJ or MJ license shall be at least  
10 sixteen years of age and such applicant must submit written consent to  
11 the issuance of such license by the applicant's parent or guardian. Upon  
12 receipt of withdrawal of such consent, any class DJ or MJ license,  
13 learner's permit or license application shall be cancelled. No class DJ  
14 or MJ license [or limited class DJ or MJ license] shall be issued unless  
15 the applicant presents, at the time of the road test administered pursu-  
16 ant to paragraph (b) of subdivision four of this section [five hundred  
17 two of this article], a written certification by the applicant's parent  
18 or guardian that such applicant has operated a motor vehicle for no less  
19 than [twenty] fifty hours, at least fifteen hours of which shall be  
20 after sunset, under the immediate supervision of a person as authorized  
21 pursuant to subparagraph (ii) of paragraph (a) or paragraph (b) of  
22 subdivision five of section five hundred one of this article, a driver  
23 education teacher pursuant to section eight hundred six-a of the educa-

24 tion law or a driving school instructor pursuant to subdivision seven-a  
25 of section three hundred ninety-four of this chapter.

26 § 6. Section 503-a of the vehicle and traffic law is REPEALED.

27 § 7. Subdivision 3 of section 509 of the vehicle and traffic law, as  
28 added by chapter 780 of the laws of 1972, is amended to read as follows:

29 3. Whenever a permit or license is required to operate a motor vehi-  
30 cle, no person shall operate any motor vehicle in violation of any  
31 restriction contained on [his], or applicable to, the permit or license.

32 § 8. Subdivisions 1, 2 and 3 of section 510-b of the vehicle and traf-  
33 fic law, as amended by chapter 644 of the laws of 2002, are amended to  
34 read as follows:

35 1. A license, other than a class DJ or class MJ license [or a limited  
36 class DJ or class MJ license], shall be suspended, for a period of sixty  
37 days, (i) upon the first conviction of the licensee of a violation,  
38 committed during the probationary period provided for in subdivision  
39 four of section five hundred one of this title, of any provision of  
40 section eleven hundred twenty-nine of this chapter, section eleven  
41 hundred eighty of this chapter or any ordinance or regulation limiting  
42 the speed of motor vehicles and motorcycles, section eleven hundred  
43 eighty-two of this chapter, or subdivision one of section eleven hundred  
44 ninety-two of this chapter or section twelve hundred twelve of this  
45 chapter; or (ii) upon the second conviction of the licensee of a  
46 violation, committed during the aforesaid probationary period, of any  
47 other provision of this chapter or of any other law, ordinance, order,  
48 rule or regulation relating to traffic.

49 2. A license, other than a class DJ or class MJ license [or a limited  
50 class DJ or class MJ license], considered probationary pursuant to  
51 subdivision three of this section shall be revoked upon the conviction  
52 of the licensee of a violation or violations committed within six months  
53 following the restoration or issuance of such license, which conviction  
54 or convictions would result in the suspension of a probationary license  
55 pursuant to subdivision one of this section.

or a limit-

2 **ed class DJ or class MJ license]**, which is restored or issued to a  
3 person who has had his last valid license suspended or revoked  
pursuant

4 to the provisions of this section shall be considered  
probationary until

5 the expiration of six months following the date of restoration  
or issu-

6 ance thereof.

7 § 9. Section 510-c of the vehicle and traffic law, as added  
by chapter

8 644 of the laws of 2002, is amended to read as follows:

9 § 510-c. Suspension and revocation of [certain] learner's permits  
and

10 driver's licenses for violations committed by holders of class DJ or  
11 class MJ learner's permits or [driver's] licenses. 1. (a) A [class DJ or  
12 class MJ] learner's permit or a driver's license shall be suspended for  
13 a period of sixty days:

14 (i) upon a conviction or finding of a serious traffic violation as  
15 defined in subdivision [four] two of this section, when such violation  
16 was committed while the holder had a class DJ or class MJ learner's  
17 permit or a class DJ or MJ license; or

18 (ii) upon the second conviction or finding of such permit or license  
19 holder of a violation of any other provision of this chapter or any  
20 other law, ordinance, order, rule or regulation relating to traffic, and  
21 when such violation was committed while such holder had [such] a class  
22 DJ or class MJ learner's permit or a class DJ or MJ license.

23 (b) A [class DJ or class MJ] learner's permit or a driver's license  
24 shall be revoked for a period of sixty days upon the conviction or find-  
25 ing of the permit or license holder of a violation or violations,  
26 committed within six months after the restoration of [a class DJ or  
27 class MJ learner's] such permit or license suspended pursuant to para-  
28 graph (a) of this subdivision, which convictions or findings would  
29 result in the suspension of such permit or license pursuant to paragraph  
30 (a) of this subdivision.

31 2. [(a) A class DJ or class MJ driver's license or limited class DJ or  
32 class MJ license shall be suspended, for a period of sixty days:

33 (i) upon a conviction or finding of a serious traffic violation as  
34 defined in subdivision four of this section, committed while the holder  
35 had such license; or  
36 (ii) upon the second conviction or finding of the holder of a  
37 violation of any other provision of this chapter or any other law, ordi-  
38 nance, order, rule or regulation relating to traffic, committed while  
39 such holder had such license.  
40 (b) A class DJ or class MJ driver's license or a limited class DJ or  
41 class MJ license shall be revoked for a period of sixty days upon the  
42 conviction or finding of the holder of a violation or violations,  
43 committed within six months either after the restoration of such driv-  
44 er's license suspended pursuant to paragraph (a) of this subdivision or  
45 after the restoration of a learner's permit suspended or revoked pursu-  
46 ant to subdivision one of this section, which convictions or findings  
47 would result in the suspension of such license pursuant to paragraph (a)  
48 of this subdivision.  
49 3. A driver's license which has been restored following a suspension  
50 of a class DJ or class MJ driver's license or a limited class DJ or  
51 class MJ license pursuant to subdivision two of this section shall be  
52 revoked for a period of sixty days upon the conviction or finding, with-  
53 in six months of such restoration, of any violation or violations which  
54 would result in the suspension of a class DJ or class MJ driver's  
55 license or a limited class DJ or class MJ license pursuant to paragraph  
56 (a) of subdivision two of this section.

S. 3619--A

5

1 4.] For purposes of this section, the term "serious traffic  
violation"

2 shall mean operating a motor vehicle in violation of any of  
the follow-

3 ing provisions of this chapter: articles twenty-five and  
twenty-six;

4 subdivision one of section six hundred; section six  
hundred one;

5 sections eleven hundred eleven, eleven hundred seventy,  
eleven hundred

6 seventy-two and eleven hundred seventy-four; subdivisions (a),  
(b), (c),

7 (d) and (f) of section eleven hundred eighty, provided  
that the

8 violation involved ten or more miles per hour over the  
established

9 limit; section eleven hundred eighty-two; subdivision three-a  
of section

10 twelve hundred twenty-nine-c for violations involving use  
of safety

11 belts or seats by a child under the age of sixteen; and  
section twelve

12 hundred twelve of this chapter.

13 § 10. Subdivision 3-a of section 1229-c of the vehicle  
and traffic

14 law, as added by chapter 644 of the laws of 2002, is amended  
to read as

15 follows:

16 3-a. No person holding a class DJ learner's permit or class  
DJ license

17 issued pursuant to section five hundred two of this  
chapter, [or a

18 **limited class DJ or MJ license issued pursuant to section five hundred**

19 **three-a of this chapter,**] shall operate a motor vehicle in this  
state

20 unless such person is restrained by a safety belt  
approved by the

21 commissioner, and all passengers under the age of four are  
restrained in

22 a specially designed seat which meets the federal motor  
vehicle safety

23 standards set forth in 49 C.F.R. 571.213 and which is either  
permanently

24 affixed or is affixed to such vehicle by a safety belt and, in  
the case

25 of any other passenger under the age of sixteen, he or she is  
restrained

26 by a safety belt approved by the commissioner. No person  
sixteen years

27 of age or over shall be a passenger in a motor vehicle

operated by a

28 person holding a class DJ learner's permit, a class DJ  
license or a

29 limited class DJ license unless such passenger is restrained by  
a safety

30 belt approved by the commissioner.

31 § 11. Except as otherwise provided in section twelve of  
this act, no

32 municipal corporation, as defined in section 2 of the general  
municipal

33 law, shall, after June 10, 2009, enact any local law,  
ordinance or code

34 relating to the operation of a motor vehicle while using  
a portable

35 electronic device unless the terms of such law, ordinance or  
code are

36 identical to section 1225-d of the vehicle and traffic law, as  
added by

37 section four of this act. The provisions of this act shall  
invalidate

38 and preempt any such local law, ordinance or code, enacted  
after June

39 10, 2009, unless the terms of such law, ordinance or code are  
identical

40 to section 1225-d of the vehicle and traffic law, as added  
by section

41 four of this act.

42 § 12. The provisions of this act shall preempt any local  
law, ordi-

43 nance, code, rule or regulation relating to the operation  
of a motor

44 vehicle while using a portable electronic device, except that  
nothing in

45 this act shall preclude any state or local agency, which,  
by permit,

46 license or registration regulates the business or  
professional activ-

47 ities of individuals from imposing more stringent  
restrictions than

48 provided in this act for the use of portable electronic  
devices upon

49 such individuals during the course of engaging in the  
business or

50 professional activity that is the subject of such  
agency's permit,

51 license or registration.

52 § 13. The commissioner of motor vehicles, in consultation  
with the

53 superintendent of the state police, shall study the effects  
of the use

54 of portable electronic devices and similar equipment in  
conjunction with

55 the operation of a motor vehicle, and the effects of other  
forms of

56 driver inattention and distraction, on highway and traffic  
safety, and

S. 3619--A

6

1 shall submit a report of his or her findings to the governor,  
the tempo-

2 rary president of the senate, the speaker of the  
assembly, and the

3 chairs of the transportation committees of the senate and the  
assembly,

4 not later than 4 years from the effective date of this act.  
Such report

5 shall include, but not be limited to:

6 1. an examination of motor vehicle accident, fatality  
and injury

7 statistics relating to the use of portable electronic devices  
and simi-

8 lar equipment while operating a motor vehicle;

9 2. an examination of motor vehicle accident, fatality  
and injury

10 statistics relating to other forms of driver  
inattention and

11 distraction;

12 3. a review and analysis of studies examining the effects  
of the use

13 of portable electronic devices or similar equipment on highway

and traf-

14 fic safety;

15 4. a review and analysis of studies and statistics relating  
to other

16 types of driver inattention and distraction which affect  
highway and

17 traffic safety; and

18 5. recommendations for improving highway and traffic safety  
and reduc-

19 ing motor vehicle accidents, if any, related to driver  
inattention and

20 distraction.

21 § 14. This act shall take effect immediately; provided,  
however, that:

22 (a) sections one, two, three, five, six, eight, nine and  
ten of this

23 act shall take effect on the one hundred eightieth day after  
it shall

24 have become a law and shall apply to licenses issued on or  
after such

25 effective date. Any license issued pursuant to section  
503-a of the

26 vehicle and traffic law prior to such effective date shall  
remain in

27 effect until the expiration date of such license;

28 (b) sections four and twelve of this act shall take effect  
November 1,

29 2009; and

30 (c) section eleven of this act shall expire and be deemed  
repealed

31 November 1, 2009.