



NEW YORK STATE SENATOR

Jack M. Martins

New Law Strengthens Ban on Texting While Driving

Jack M. Martins

July 20, 2011

New legislation is now in effect in New York State that strengthens the enforcement against drivers who use handheld electronic to text while driving. The legislation was sponsored by Senator Carl Marcellino, supported by Senator Jack M. Martins and signed into law by Governor Andrew Cuomo.

The new law makes texting while driving a primary traffic offense, giving law enforcement the power to stop drivers solely for engaging in this activity.

Before this law, it was illegal for drivers to use handheld electronic devices while their vehicle was in motion, but it was a secondary traffic offense -- meaning a driver had to be stopped for another violation in order to receive a ticket.

The new law makes it a primary traffic offense and it will go into effect immediately. The monetary penalty for a violation of this law continues to be a fine of up to \$150.

Illegal activity includes holding an electronic device and:

- Composing, sending, reading, accessing, browsing, transmitting, saving, or retrieving electronic data such as e-mail, text messages, or webpages
- Viewing, taking, or transmitting images
- Playing games

The law does not penalize drivers using a handheld electronic device that is affixed to a surface or using a GPS device that is attached to the vehicle. The law also exempts police officers, fire fighters, or emergency vehicle drivers while they are performing their duties. In addition, a driver is exempt from the law if the driver is communicating or attempting to communicate with law enforcement, the fire department, or medical personnel during an emergency situation.

"This will enhance the safety of our roads," said Senator Martins. "While we all use mobile devices, they should not be used while operating a motor vehicle. There are lives at stake. If you absolutely must make a call, then pull over. With so many cars on the road, driving deserves our absolute full attention."

The Governor announced today that he will increase the penalty for using a cellular phone without a hands-free device or a handheld device while driving from two to three points through changes in state regulations.

"It's plain and simple: distracted driving leads to tragedies that have affected families all across New York. This new law will help ensure that drivers keep their eyes on the road and their hands on the wheel," said Governor Cuomo.

New York State Police Superintendent Joseph A. D'Amico said, "Motorists should now realize the dangers of operating a motor vehicle while texting on mobile devices or talking on a cell phone without an approved hands-free device. This change in the statute will allow law enforcement to continue the battle against distracted driving. Distracted driving is dangerous driving and drivers must reduce diversion and behaviors that take their attention from the road. Attentive, responsible, defensive driving is the key to avoiding crashes and keeping our highways safe."

The National Highway Traffic Safety Administration reports that 16 percent of fatal accidents in 2009 were due to distracted driving and 20 percent of people injured during a crash were involved in a crash where distracted driving was reported. A study by the Virginia Tech Transportation Institute found that truck drivers who were texting were 23 times more at risk of a crash or near crash.