



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Announces Stronger Penalties for Distracted Driving Included in State Budget

CHARLES J. FUSCHILLO JR. March 25, 2013

| ISSUE: **TRANSPORTATION**

Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that the state budget will include higher penalties for distracted driving.

“Distracted drivers jeopardize the safety of everyone on the road; they are 23 times more likely to be involved in a crash than a regular driver. Cell phones, text messages, and email allow for instant communication with anyone from anywhere, but that causes problems when drivers pay more attention to their phone instead of the road. Higher penalties for drivers who repeatedly text or talk on the phone while driving will provide a new and stronger deterrent to help prevent distracted driving on our roads,” said Senator Fuschillo, Chairman of the Senate’s Transportation Committee.

Under current law, drivers face a maximum fine of \$150 per violation for texting while driving and \$100 per violation for talking on a non hands-free cell phone while driving, as well as three penalty points on their license. Repeat offenders do not currently face any enhanced penalties.

The new rules establish higher fines for individuals who repeatedly text and drive or who drive while talking on a cell phone without a hands-free device. In addition, the rules make the fine for talking on a cell-phone while driving consistent with the fine for texting while driving. The new maximum fines are:

- 1st offense: \$150 maximum fine
- 2nd offense within 18 months: \$200 maximum fine
- 3 or more offenses within 18 months: \$400 maximum fine

These fines are in addition to the three penalty points which offenders receive on their driving record for each violation.

In addition, the budget also includes new regulations which will prohibit commercial drivers from using hand-held electronic devices and talking on a non hands-free cell phone while stopped at traffic light or in a traffic jam. Motor carriers are prohibited from requiring or allowing their drivers to use a cell phone or a portable electronic device while driving a commercial motor vehicle. Additionally, commercial drivers who violate a state or local distracted driving law will have their commercial driver's license suspended. The measure is needed to ensure that New York's distracted driving laws for commercial drivers conform to the rules set forth by the Federal Motor Carrier Safety Administration.

There were over 245,000 tickets issued for texting or talking on a cell phone while driving in New York State last year.