

S 5643 MARCELLINO Same as [A 8106](#)
Weisenberg (MS)
ON FILE: 06/09/11 Vehicle and Traffic Law
TITLE....Relates to the use of portable electronic
devices
06/08/11 REFERRED TO TRANSPORTATION
06/11/11 COMMITTEE DISCHARGED AND
COMMITTED TO RULES
06/13/11 ORDERED TO THIRD READING
CAL.1177
06/14/11 PASSED SENATE
06/14/11 DELIVERED TO ASSEMBLY
06/14/11 referred to codes
06/14/11 substituted for a8106
06/14/11 ordered to third reading rules cal.198
06/14/11 passed assembly
06/14/11 returned to senate

A8106 Weisenberg (MS) Same as [S 5643](#)
MARCELLINO
Vehicle and Traffic Law
TITLE....Relates to the use of portable electronic
devices
06/01/11 referred to transportation
06/07/11 reported referred to codes
06/13/11 reported referred to rules
06/14/11 reported
06/14/11 rules report cal.198
06/14/11 substituted by s5643
S05643 MARCELLINO
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SPONSORS MEMO:

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5643

SPONSOR: MARCELLINO

TITLE OF BILL:

An act to amend the vehicle and traffic law, in relation to the use of portable electronic devices while driving

PURPOSE:

This legislation would make the texting while driving offense a primary violation.

SUMMARY OF PROVISIONS:

Amends subdivision 6 of section 1225-d of the vehicle and traffic law,

as added by chapter 403 of the laws of 2009 amending the vehicle and traffic law to strike language that prevents texting while driving from being a primary violation of the vehicle and traffic law.

Amends subdivision 4 of section 1225-D of the vehicle and traffic law, as added by chapter 403 of the laws of 2009, to make a technical amendment to create consistency and match rebuttable evidence language in section 1225-C of the Vehicle and Traffic Law.

JUSTIFICATION:

The explosion of the popularity of texting created a new driver distraction that can lead to tragedy. Texting while driving increases the chance of getting into an accident. A person simply cannot drive attentively when searching for the needed letters or symbols for texting.

According to studies done by AAA, any activity that takes a driver's attention off the road for more than two seconds can double a driver's risk of a crash. According to Zogby Poll, 66% of people between 18-24 send text messages while behind the wheel. A Harris Interactive poll found that 91% of Americans think that driving while texting is as dangerous as drunk driving and 89% of those polled support a ban. The seriousness of this growing problem mandates that the texting and driving law be a primary violation in New York State.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

VOTING:

06/14/11	S5643	Assembly Vote	Yes: 142	No : 0
06/14/11	S5643	Senate Vote	Aye: 62	Nay: 0

Floor Votes:

06/14/11 S5643 Senate Vote Aye: 62 Nay: 0

Aye Adams	Aye Addabbo	Aye Alesi	Aye Avella
Aye Ball	Aye Bonacic	Aye Breslin	Aye Carlucci
Aye DeFrancisco	Aye Diaz	Aye Dilan	Aye Duane

Aye Espaillat	Aye Farley	Aye Flanagan	Aye Fuschillo
Aye Gallivan	Aye Gianaris	Aye Golden	Aye Griffo
Aye Grisanti	Aye Hannon	Aye Hassell-Thompson	Aye Huntley
Aye Johnson	Aye Kennedy	Aye Klein	Aye Krueger
Aye Kruger	Aye Lanza	Aye Larkin	Aye LaValle
Aye Libous	Aye Little	Aye Marcellino	Aye Martins
Aye Maziarz	Aye McDonald	Aye Montgomery	Aye Nozzolio
Aye O'Mara	Aye Oppenheimer	Aye Parker	Aye Peralta
Aye Perkins	Aye Ranzenhofer	Aye Ritchie	Aye Rivera
Aye Robach	Aye Saland	Aye Sampson	Aye Savino
Aye Serrano	Aye Seward	Aye Skelos	Aye Smith
Aye Squadron	Aye Stavisky	Aye Stewart-Cousins	Aye Valesky
Aye Young	Aye Zeldin		

SUMMARY:

MARCELLINO, ALESI, ROBACH, KENNEDY
 Amd S1225-d, V & T L
 Relates to the use of portable electronic devices.

BILL TEXT:

STATE OF NEW YORK

5643

2011-2012 Regular Sessions

IN SENATE

June 8, 2011

Introduced by Sens. MARCELLINO, ALESI, ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the use of portable electronic devices while driving

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

1 Section 1. Subdivision 4 of section 1225-d of the vehicle and traffic
 2 law, as added by chapter 403 of the laws of 2009, is amended to read as

3 follows:

4 4. A person who holds a portable electronic device in a conspicuous
5 manner while operating a motor vehicle is presumed to be using such
6 device. The presumption established by this subdivision is rebuttable by
7 evidence [~~showing~~] tending to show that the operator was not using the
8 device within the meaning of this section.

9 § 2. Subdivision 6 of section 1225-d of the vehicle and traffic law,
10 as added by chapter 403 of the laws of 2009, is amended to read as
11 follows:

12 6. A violation of this section shall be a traffic infraction and shall
13 be punishable by a fine of not more than one hundred fifty dollars.
14 [~~Provided, however, that a summons for operating a motor vehicle in~~
15 ~~violation of this section shall only be issued when there is reasonable~~
16 ~~cause to believe that the person operating such motor vehicle has~~
17 ~~committed a violation of the laws of this state other than a violation~~
18 ~~of this section.~~]

19 § 3. This act shall take effect immediately.

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

LBD03315-02-1