

PROGRAM BILL # 13

GOVERNOR'S PROGRAM BILL

2011

MEMORANDUM

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to establishing the safe drivers act of 2011 relating to the use of portable electronic devices

Purpose:

This bill would enhance safety on our roadways by: (1) making the use of portable electronic devices – including blackberrys, I-Pods, I-Pads, laptop computers, pagers, electronic game devices and other hand-held mobile devices with mobile data access – while operating a motor vehicle a primary offense; (2) imposing a 3 point penalty, together with a \$150 fine, on drivers who operate a motor vehicle while using such devices, including speaking on a cell phone without using a hands-free device; and (3) requiring that distracted driving be part of the curriculum in defensive driving courses.

Summary of Provisions:

Section 1 of this bill provides that this bill, upon enactment, shall be known as the “Safe Drivers Act of 2011.”

Section 2 of this bill would amend Vehicle and Traffic Law (VTL) §1225-d(6) to make the use of a portable electronic device while operating a motor vehicle a primary offense. This section of the bill would also impose three points on the license of a driver who violates this provision of the law.

Section 3 of this bill would amend VTL §1225-c(4) to impose three points on drivers caught using a cellphone without a hands-free device.

Section 4 of this bill would amend Insurance Law § 2336(a) to add distracted driving to the defensive driving (accident prevention) curriculum. This first subsection (a) of Insurance Law § 2336 is set to expire on May 18, 2014.

Section 5 of this bill would amend the second subsection (a) of Insurance Law § 2336 to add distracted driving to the defensive driving (accident prevention) curriculum. This subsection would take effect on May 18, 2014.

Section 5 of this bill provides for an immediate effective date except that section 4 shall take effect 30 days after the bill becomes law.

Statement in Support:

This bill targets the serious road safety issues that stem from distracted driving. As technological advances have been made in mobile communication, traffic accident fatalities as a result of distracted driving have increased. Indeed, the National Highway Traffic Safety Administration reports that 16% of fatal accidents in 2009 were due to distracted driving and 20% of people injured during a crash were involved in a crash where distracted driving was reported.

Similarly, the Virginia Tech Transportation Institute found that truck drivers who were texting were 23 times more at risk of a crash or near crash, while another study compared reaction times when a driver was texting to when a driver was intoxicated, and found that the reaction time while texting was worse. Furthermore, a National Insurance study estimated 20% of all drivers, and 66% of drivers aged 18 to 24, are sending or receiving text messages while behind the wheel, leaving our young drivers most vulnerable. Several fatal accidents in this state have highlighted this fact including the 2007 accident in which 7 teens were killed in suburban Rochester.

As these studies make clear, any kind of distraction while driving is dangerous, and using a portable electronic device, like a laptop, gaming device, I-Pod, I-pad or other similar devices while driving is the most dangerous. Although VTL §1225-d prohibits texting and the use of a portable electronic device while driving, it only provides for “secondary” enforcement. This means that law enforcement is currently unable to stop a motorist for the use of such devices unless the officer also observes the driver committing another primary violation, such as speeding or disobeying a traffic signal. Under this bill, enforcement would be made “primary” meaning that an officer would be able to stop a motorist who is using a portable electronic device without having to also observe another violation of the law. This would allow for better enforcement of such violations and make our roadways safer.

Budget Implications:

This bill would not have an impact on State finances.

Effective Date:

This bill would take effect immediately except that section 4 would take effect 30 days after this bill shall become law.