

GOVERNOR'S PROGRAM BILL  
2013

MEMORANDUM

AN ACT to amend the vehicle and traffic law, in relation to the suspension of certain driver's licenses for violations relating to the use of mobile telephones or portable electronic devices while driving

Purpose of the Bill:

This bill would add convictions for texting-while-driving and using a hand-held cell phone to the list of violations for which probationary and junior license holders would have their permit or license suspended for 60 days upon a first conviction. For a subsequent conviction within six months of license restoration, probationary drivers would have their license revoked for six months and junior license holders would have their permit or license revoked for an additional 60 days.

Summary of Provisions:

Section 1 of this bill would amend subdivision 1 of Vehicle and Traffic Law (VTL) § 510-b to add convictions for traffic violations committed under VTL §§ 1225-c (use of a mobile telephone) and 1225-d (use of portable electronic devices) to the list of violations for which a probationary license holder would have his or her license suspended for a period of 60 days upon a first conviction and for six months upon a subsequent conviction.

Section 2 of this bill would amend subdivision 2 of VTL § 510-c to add convictions for traffic violations committed under VTL §§ 1225-c (use of a mobile telephone) and 1225-d (use of portable electronic devices) to the list of "serious traffic violations" for which a Class DJ and MJ permit or license holder would have his or her license suspended for a period of 60 days upon a first conviction and for an additional 60 days upon a subsequent conviction.

Section 3 of this bill provides for an immediate effective date.

Existing Law:

Currently, VTL §§ 510-b and 510-c provide for the suspension and revocation of probationary and junior licenses upon conviction of certain specified traffic violations but not upon convictions related to the use of mobile telephones or portable electronic devices.

Statement in Support:

For young and new drivers who use cell phones and text while driving, inattention and inexperience is a deadly combination that puts themselves and others at risk. Currently, 43% of teenage drivers admit that they regularly text while driving, according to research released at a recent poster session of the Pediatric Academic Societies.

Distracted driving is an increasing threat to highway safety. From 2005 to 2011, there has been an approximately 143% increase in cell phone-related crashes in New York State. In 2011, there were 25,165 fatal and personal injury crashes involving distracted driving in New York, compared to 4,628 caused by alcohol-related driving.

In July 2011, New York strengthened enforcement of texting-while-driving violations by making the use of a portable electronic device for activities such as texting while driving a primary traffic offense, giving law enforcement the power to stop motorists solely for engaging in this activity. Additionally, the penalty for using a handheld device while driving was increased from two to three points. Since this law was passed, there has been a 234% increase in the number of tickets issued for texting while driving in New York State from 2011 to 2012.

This bill continues to build upon the State's efforts to improve highway safety by encouraging young and inexperienced drivers to keep their eyes on the road and their hands on the wheel.

Prior Legislative History:

This is a new bill.

Budget Implications:

The provisions of this bill would result in no increase costs to the State.

Effective Date:

This act would take effect immediately.