



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Announces Senate Passage of Legislation to Improve Teenage Driver Safety

CHARLES J. FUSCHILLO JR. July 21, 2009

State Senator Charles J. Fuschillo, Jr. announced that the state Senate recently passed legislation he supports to strengthen teen driving training requirements and prevent teenage driving deaths.

“Teen drivers are more likely to be involved in car crashes because of their inexperience behind the wheel. Like any skill, driving requires training and practice in order to learn. Better preparing teenagers to handle the challenges and responsibilities of driving a car will help save lives and prevent crashes on our roadways,” said Senator Fuschillo.

The legislation would improve teen driver safety by:

- * Requiring 50 hours of supervised driving instruction before teens could take their road tests. At least 15 of those hours would have to be after sunset, so that teens can learn how to drive at night. Current law only requires 20 hours of supervised driving with no requirements for night driver training.

- * Requiring all teen drivers to hold a learner’s permit for at least six months before they can be issued a junior license. Limited junior driver licenses, which are currently available to teens who have passed a road test but have had their permit for less than six months, would also be eliminated.

- * Junior drivers could only have only one, non-family passenger under the age of 21 in the car if no adult is present. Current law allows 2 such passengers.

The bill has also been passed by the State Assembly. Governor Paterson is expected to sign the measure into law.

Statistics show that teen drivers are particularly vulnerable to fatal car crashes. The National Highway Transportation Safety Administration (NHTSA) estimates that junior drivers are twice as likely as adult drivers to be involved in a fatal crash. A recent *Newsday* story stated that in New York State, 236 teens died in traffic accidents and another 236 individuals were killed by cars driven by teens in 2007 alone.

BILL NUMBER: S3619A

TITLE OF BILL:

An act to amend the vehicle and traffic law, in relation to the graduated licensing program; to repeal section 503-a of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

PURPOSE OF THE BILL:

This bill would enhance highway safety by strengthening the Vehicle and Traffic Law ("VTL") graduated licensing program provisions for safety of

junior drivers and their passengers and by limiting driver distraction and inattention by prohibiting the use of portable electronic devices while driving.

SUMMARY OF PROVISIONS:

Section 1 of the bill would amend VTL, § 501(4) to eliminate the reference to limited class DJ and MJ licenses (which is a conforming amendment consistent with the repeal of VTL § 503-a which authorizes such licenses). Holders of DJ and MJ class learner's permits who complete a road test can currently receive a limited class DJ or MJ license if such road test is taken less than 6 months after the permit was issued. A limited class DJ or MJ license permits persons over the age of sixteen, but under the age of eighteen, to operate passenger vehicles and trucks or motorcycles, respectively, and becomes a DJ or MJ license after six months.

Section 2 of the bill would amend VTL g 501-b(c) and (d) to reduce from two to one, the number of non-family passengers under the age of twenty-one who may be a passenger in a motor vehicle operated by the holder of a DJ or MJ learner's permit when not accompanied by a duly licensed parent, guardian, or person in a position of loco parents. The amendment to paragraph (d) would require that a DJ or MJ permit be held for at least six months before a DJ/MJ license is issued.

Section 3 of the bill would amend VTL § 501-b(2) of the VTL to reduce, from two to one, the number of non-family passengers under the age of twenty-one who may be a passenger in a motor vehicle operated by the holder of a DJ or MJ license.

Section 4 of the bill would add a new § VTL 1225-d to prohibit the use of portable electronic devices while operating a motor vehicle while in motion. A summons for operating a motor vehicle while using a portable electronic device shall only be issued when there is reasonable cause to believe that the person operating the motor vehicle has committed a separate violation of the law.

Section 5 of the bill would amend VTL § 502(2)(d) to increase the number of supervised driving hours that an applicant's parent or guardian must certify (in writing) that the applicant for a DJ or MJ license has had (before the applicant may take a road test), from 20 to 50 hours, and also to require that at least 15 of those practice driving hours be after sunset.

Section 6 of the bill would repeal VTL § 503-a which provides for the issuance of limited class DJ and MJ licenses.

Section 7 of the bill would amend VTL § 509(3) to clarify that not only is a person prohibited from operating a motor vehicle in violation of restrictions that are contained on his/her driver's license, but in addition, a person is prohibited from operating a motor vehicle in violation of restrictions that are applicable to (as opposed to being set forth on) the permit or license.

Section 8 of the bill would make conforming amendments to VTL § 510-b(1),(2) and (3) to eliminate references to limited class DJ and MJ licenses.

Section 9 of the bill would amend VTL § 510-c to provide that certain licensing sanctions that result from certain violations committed while a person holds a DJ or MJ permit/license will be imposed against whatever permit or license the person holds at the time of conviction.

Section 10 of the bill would amend VTL § 1229-c(3-a) to eliminate the reference to limited class DJ or MJ licenses.

Section 11 of the bill would allow the continuation of all local laws relating to the operation of a motor vehicle while using a portable electronic device enacted prior to June 10, 2009 but only until November 1, 2009, when the statewide law takes effect. Additionally, it would allow a locality to adopt such local law, ordinance or code after June 10, 2009 but with the same terms of Section 1225-d.

Section 12 of the bill would preempt any local law, ordinance, code, rule or regulation relating to the use of portable electronic devices while operating a motor vehicle, but would not limit state or local agencies from imposing more stringent restrictions than provided in this act upon individuals whom they regulate while performing their duties.

Section 13 of the bill would direct the commissioner of motor vehicles, in consultation with the superintendent of the state police, to study the effects of the use of portable electronic devices in conjunction with the operation of a motor vehicle, including the effects of forms of inattention and distraction and impacts on highway safety.

Section 14 of the bill would provide that this act shall take effect immediately, except that Sections 4 and 12 of this act shall take effect on November 1, 2009, and Sections 1, 2, 3, 5, 6, 8, 9, and 10 of this act shall take effect on the one hundred eightieth day after it shall become law. Further, Section 11 of this act shall expire on November 1, 2009.

EXISTING LAW:

VTL § 501(4), which provides that certain licenses shall be considered

probationary, does not apply to limited class DJ and MJ licenses.

VTL § 501-b(1) and 501-b(2) provides that only two non-family passengers under twenty-one may be a passenger in a motor vehicle operated by the holder of a DJ or MJ learner's permit/license. There are currently no statewide restrictions regarding operation of a motor vehicle while using portable electronic devices. VTL §502(2)(d) provides that before a class DJ or MJ or limited DJ or limited MJ license may be issued, an applicant must provide - at the time of a road test - a written certification from his/her parent or guardian certifying that the applicant has had 20 hours of supervised driving experience. There is no requirement that any of the 20 hours of supervised driving take place after sunset. VTL §503-a provides for the issuance of limited class DJ and MJ licenses to holders of DJ or MJ learner's permits who pass a road test within the first six months of the permit's validity. VTL §509(3) prohibits a person from operating a motor vehicle in violation of restrictions that are contained on his/her driver's license. VTL § 510-b(1),(2) and (3) provide for the suspension and revocation of licenses for violations committed during a probationary period. VTL §510-c provides that if a junior driver commits certain violations while holding a class DJ or MJ permit or a DJ or MJ license, and the violations are of a number or type that call for the imposition of a license sanction, such sanction may only be imposed against the DJ or MJ permit or license. VTL § 1229-c(3-a) prohibits holders of DJ class learner's permits or limited class DJ or MJ licenses from operating a motor vehicle unless they and all passengers are wearing a seat belt and all passengers under the age of four are restrained in booster seats.

PRIOR LEGISLATIVE HISTORY:

This is a new bill.

STATEMENT IN SUPPORT:

According to a 2008 publication by the National Highway Transportation Safety Administration (NHTSA), a significant percentage of junior drivers are involved in traffic crashes and are twice as likely as adult drivers to be in a fatal crash. Sixteen-year old drivers have crash rates that are about three times greater than 17-year old drivers, five times greater than 18-year-old drivers, and approximately twice the rate of 85-year old drivers. Some of the factors contributing to these higher crash rates include lack of driving experience and inadequate driving skills; excessive driving during night-time; risk-taking behavior; poor driving judgment and decision making; and distractions from teenage passengers. NHTSA has encouraged states to implement a graduated licensing system (GDL) to ease young, inexperienced drivers onto the roadways, as an effective way of reducing the incidence of traffic crashes. Various national organizations (e.g., the American Association of Motor

Vehicle Administrators (AAMVA), the American Automobile Association (AA), and the Insurance Institute for Highway Safety (IIHS)) and traffic safety researchers have also evaluated, recommended and recognized the benefits of GDL systems, which prolong the learning process and provide a more protective driving environment for the young novice drivers and their passengers.

This legislation would significantly strengthen New York's GDL laws, bringing New York's program closer to the model GDL laws recommended by NHSTA in a number of important respects, and implementing additional enhancements as well. This bill would eliminate the limited DJ/MJ class license and require that DJ/MJ learner's permits must be held for at least six months before a DJ/MJ or D/M license may be issued. This will help ensure that before teens drive unsupervised they will have had at least six months of supervised driving experience. It will also simplify the current laws regarding junior drivers (who hold DJ/MJ licenses), making the laws more readily understandable by members of the public and law enforcement, and hence more easily enforced. The number of practice driving hours that must be certified by a parent or guardian would increase from the current 20-hour requirement, to 50 hours, 15 hours of which must take place after sunset. The number of non-family passengers under the age 21 who will be able to ride with a junior driver who is not accompanied by a specified supervising adult will be reduced from two to one.

In addition, a technical correction will be made to the VTL provision that prohibits operating in violation of restrictions contained on a license so that the prohibition will apply to restrictions contained on, or applicable to, both licenses and permits. Although GDL programs have been recognized as an effective way to reduce the risks to young drivers, such programs vary from state to state, with some programs being more effective than others. A study by researchers from the Johns Hopkins Bloomberg School of Public Health's Center for Injury and Research and Policy and the Johns Hopkins School of Medicine published in 2006 found that more comprehensive GDL programs have the greatest effect in reducing the incidence of fatal crashes of 16 year old drivers. Studies have also shown that driving skills sharpen over time and that crash rates diminish dramatically during the first year of licensure. This bill would be an important step toward implementing New York's ongoing commitment to solving the tragic problem of fatal and personal injury crashes involving teenagers.

Finally, the use of portable electronic devices, such as hand-held mobile telephones and personal digital assistants (PDAs), while operating a motor vehicle have become a distraction, and therefore a danger and threat to public safety. Crashes due to driver inattention or distraction are on the rise in the United States and they have resulted in more fatalities. The National Highway Traffic Safety Administration estimates that 25 percent of all police-reported crashes involve some

form of driver inattention. This bill would help limit driver distraction and inattention by prohibiting any operator in the state from using any portable electronic device while driving, and in turn, enhancing highway safety.

BUDGET IMPLICATIONS:

None.

EFFECTIVE DATE:

This bill shall take effect immediately, except that Sections 4 and 12 of this act shall take effect on November 1, 2009, and Sections 1, 2, 3, 5, 6, 8, 9, and 10 of this act shall take effect on the one hundred eightieth day after it shall become law. Further, Section 11 of this act shall expire on November 1, 2009. A limited use license issued prior to the effective date would remain valid until it expires.

BILL TEXT:

STATE OF NEW YORK

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Cal. No. 569

2009-2010 Regular Sessions

IN SENATE

March 25, 2009

AN ACT to amend the vehicle and traffic law, in relation to the graduated licensing program; to repeal section 503-a of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Subdivision 4 of section 501 of the vehicle and traffic
2 law, as amended by chapter 644 of the laws of 2002, is amended to read
3 as follows:

4 4. Probationary licenses. Any driver's license, other than a class DJ
5 and class MJ license [or limited class DJ and MJ license], shall be
6 considered probationary until the expiration of six months following the
7 date of issuance thereof, and thereafter as provided in section five
8 hundred ten-b of this title, but this subdivision shall not apply to
9 renewals of a license, or, unless so provided by the commissioner, to a
10 license for which a road test has been waived by the commissioner.

11 § 2. Paragraphs (c) and (d) of subdivision 1 of section 501-b of the
12 vehicle and traffic law, as added by chapter 644 of the laws of 2002,
13 are amended to read as follows:

14 (c) operate a motor vehicle with more than [two passengers] one
15 passenger who [are] is under the age of twenty-one and who [are] is not
16 [members] a member of such holder's immediate family, provided, however,
17 that the provisions of this [subparagraph] paragraph shall not apply
18 when such holder is accompanied by a duly licensed parent, guardian,

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

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1 person in a position of loco parentis, driver education teacher
or driv-

2 ing school instructor;

3 (d) be eligible for issuance of a class DJ [or], MJ, D or M
license

4 unless such permit [and/or limited class DJ or MJ license issued pursu-
5 ant to section five hundred three-a of this article, singly or in combi-
6 nation, have] has been valid for at least six months. Any time period in

7 which such class DJ or MJ learner's permit [or limited class DJ or MJ
8 license] has been suspended or revoked shall not be counted in determin-
9 ing the length of time that such learner's permit [or limited license]
10 has been valid.

11 § 3. Paragraph (b) of subdivision 2 of section 501-b of the vehicle
12 and traffic law, as added by chapter 644 of the laws of 2002, is amended
13 to read as follows:

14 (b) with more than [two passengers] one passenger who [are] is under
15 the age of twenty-one and who [are] is not [members] a member of such
16 holder's immediate family, provided, however, that the provisions of
17 this [subparagraph] paragraph shall not apply when such holder is accom-
18 panied by a duly licensed parent, guardian, person in a position of loco
19 parentis, driver education teacher or driving school instructor.

20 § 4. The vehicle and traffic law is amended by adding a new section
21 1225-d to read as follows:

22 § 1225-d. Use of portable electronic devices. 1. Except as otherwise
23 provided in this section, no person shall operate a motor vehicle while
24 using any portable electronic device while such vehicle is in motion.

25 2. For the purposes of this section, the following terms shall have
26 the following meanings:

27 (a) "Portable electronic device" shall mean any hand-held mobile tele-
28 phone, as defined by subdivision one of section twelve hundred twenty-
29 five-c of this article, personal digital assistant (PDA), handheld
30 device with mobile data access, laptop computer, pager, broadband
31 personal communication device, two-way messaging device, electronic
32 game, or portable computing device.

33 (b) "Using" shall mean holding a portable electronic device while
34 viewing, taking or transmitting images, playing games, or composing,
35 sending, reading, viewing, accessing, browsing, transmitting, saving or
36 retrieving e-mail, text messages, or other electronic data.

37 3. Subdivision one of this section shall not apply to (a) the use of a
38 portable electronic device for the sole purpose of communicating with
39 any of the following regarding an emergency situation: an emergency
40 response operator; a hospital; a physician's office or health clinic; an
41 ambulance company or corps; a fire department, district or company; or a

42 police department, (b) any of the following persons while in the
43 performance of their official duties: a police officer or peace officer;
44 a member of a fire department, district or company; or the operator of
45 an authorized emergency vehicle as defined in section one hundred one of
46 this chapter.

47 4. A person who holds a portable electronic device in a conspicuous
48 manner while operating a motor vehicle is presumed to be using such
49 device. The presumption established by this subdivision is rebuttable by
50 evidence showing that the operator was not using the device within the
51 meaning of this section.

52 5. The provisions of this section shall not be construed as authoriz-
53 ing the seizure or forfeiture of a portable electronic device, unless
54 otherwise provided by law.

55 6. A violation of this section shall be a traffic infraction and shall
56 be punishable by a fine of not more than one hundred fifty dollars.

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1 Provided, however, that a summons for operating a motor vehicle in
2 violation of this section shall only be issued when there is reasonable
3 cause to believe that the person operating such motor vehicle has
4 committed a violation of the laws of this state other than a violation
5 of this section.

6 § 5. Paragraph (d) of subdivision 2 of section 502 of the vehicle and
7 traffic law, as amended by chapter 644 of the laws of 2002, is amended
8 to read as follows:

9 (d) An applicant for a class DJ or MJ license shall be at least
10 sixteen years of age and such applicant must submit written consent to
11 the issuance of such license by the applicant's parent or guardian. Upon
12 receipt of withdrawal of such consent, any class DJ or MJ license,
13 learner's permit or license application shall be cancelled. No class DJ
14 or MJ license [or limited class DJ or MJ license] shall be issued unless
15 the applicant presents, at the time of the road test administered pursu-
16 ant to paragraph (b) of subdivision four of this section [five hundred
17 two of this article], a written certification by the applicant's parent

18 or guardian that such applicant has operated a motor vehicle for no less
19 than [twenty] fifty hours, at least fifteen hours of which shall be
20 after sunset, under the immediate supervision of a person as authorized
21 pursuant to subparagraph (ii) of paragraph (a) or paragraph (b) of
22 subdivision five of section five hundred one of this article, a driver
23 education teacher pursuant to section eight hundred six-a of the educa-
24 tion law or a driving school instructor pursuant to subdivision seven-a
25 of section three hundred ninety-four of this chapter.

26 § 6. Section 503-a of the vehicle and traffic law is REPEALED.

27 § 7. Subdivision 3 of section 509 of the vehicle and traffic law, as
28 added by chapter 780 of the laws of 1972, is amended to read as follows:

29 3. Whenever a permit or license is required to operate a motor vehi-
30 cle, no person shall operate any motor vehicle in violation of any
31 restriction contained on [his], or applicable to, the permit or license.

32 § 8. Subdivisions 1, 2 and 3 of section 510-b of the vehicle and traf-
33 fic law, as amended by chapter 644 of the laws of 2002, are amended to
34 read as follows:

35 1. A license, other than a class DJ or class MJ license [or a limited
36 class DJ or class MJ license], shall be suspended, for a period of sixty
37 days, (i) upon the first conviction of the licensee of a violation,
38 committed during the probationary period provided for in subdivision
39 four of section five hundred one of this title, of any provision of
40 section eleven hundred twenty-nine of this chapter, section eleven
41 hundred eighty of this chapter or any ordinance or regulation limiting
42 the speed of motor vehicles and motorcycles, section eleven hundred
43 eighty-two of this chapter, or subdivision one of section eleven hundred
44 ninety-two of this chapter or section twelve hundred twelve of this
45 chapter; or (ii) upon the second conviction of the licensee of a
46 violation, committed during the aforesaid probationary period, of any
47 other provision of this chapter or of any other law, ordinance, order,
48 rule or regulation relating to traffic.

49 2. A license, other than a class DJ or class MJ license [or a limited
50 class DJ or class MJ license], considered probationary pursuant to
51 subdivision three of this section shall be revoked upon the conviction
52 of the licensee of a violation or violations committed within six months

53 following the restoration or issuance of such license, which conviction
54 or convictions would result in the suspension of a probationary license
55 pursuant to subdivision one of this section.

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1 3. Any license, other than a class DJ or class MJ license [**or**
a limit-
2 **ed class DJ or class MJ license**], which is restored or issued to a
3 person who has had his last valid license suspended or revoked
pursuant
4 to the provisions of this section shall be considered
probationary until
5 the expiration of six months following the date of restoration
or issu-
6 ance thereof.

7 § 9. Section 510-c of the vehicle and traffic law, as added
by chapter
8 644 of the laws of 2002, is amended to read as follows:

9 § 510-c. Suspension and revocation of [**certain**] learner's permits
and

10 driver's licenses for violations committed by holders of class DJ or
11 class MJ learner's permits or [driver's] licenses. 1. (a) A [class DJ or
12 class MJ] learner's permit or a driver's license shall be suspended for
13 a period of sixty days:

14 (i) upon a conviction or finding of a serious traffic violation as
15 defined in subdivision [four] two of this section, when such violation
16 was committed while the holder had a class DJ or class MJ learner's
17 permit or a class DJ or MJ license; or

18 (ii) upon the second conviction or finding of such permit or license
19 holder of a violation of any other provision of this chapter or any
20 other law, ordinance, order, rule or regulation relating to traffic, and
21 when such violation was committed while such holder had [such] a class
22 DJ or class MJ learner's permit or a class DJ or MJ license.

23 (b) A [class DJ or class MJ] learner's permit or a driver's license
24 shall be revoked for a period of sixty days upon the conviction or find-
25 ing of the permit or license holder of a violation or violations,

26 committed within six months after the restoration of [a class DJ or
27 class MJ learner's] such permit or license suspended pursuant to para-
28 graph (a) of this subdivision, which convictions or findings would
29 result in the suspension of such permit or license pursuant to paragraph
30 (a) of this subdivision.

31 2. [(a) A class DJ or class MJ driver's license or limited class DJ or
32 class MJ license shall be suspended, for a period of sixty days:

33 (i) upon a conviction or finding of a serious traffic violation as
34 defined in subdivision four of this section, committed while the holder
35 had such license; or

36 (ii) upon the second conviction or finding of the holder of a
37 violation of any other provision of this chapter or any other law, ordi-
38 nance, order, rule or regulation relating to traffic, committed while
39 such holder had such license.

40 (b) A class DJ or class MJ driver's license or a limited class DJ or
41 class MJ license shall be revoked for a period of sixty days upon the
42 conviction or finding of the holder of a violation or violations,
43 committed within six months either after the restoration of such driv-
44 er's license suspended pursuant to paragraph (a) of this subdivision or
45 after the restoration of a learner's permit suspended or revoked pursu-
46 ant to subdivision one of this section, which convictions or findings
47 would result in the suspension of such license pursuant to paragraph (a)
48 of this subdivision.

49 3. A driver's license which has been restored following a suspension
50 of a class DJ or class MJ driver's license or a limited class DJ or
51 class MJ license pursuant to subdivision two of this section shall be
52 revoked for a period of sixty days upon the conviction or finding, with-
53 in six months of such restoration, of any violation or violations which
54 would result in the suspension of a class DJ or class MJ driver's
55 license or a limited class DJ or class MJ license pursuant to paragraph
56 (a) of subdivision two of this section.

2 shall mean operating a motor vehicle in violation of any of
the follow-

3 ing provisions of this chapter: articles twenty-five and
twenty-six;

4 subdivision one of section six hundred; section six
hundred one;

5 sections eleven hundred eleven, eleven hundred seventy,
eleven hundred

6 seventy-two and eleven hundred seventy-four; subdivisions (a),
(b), (c),

7 (d) and (f) of section eleven hundred eighty, provided
that the

8 violation involved ten or more miles per hour over the
established

9 limit; section eleven hundred eighty-two; subdivision three-a
of section

10 twelve hundred twenty-nine-c for violations involving use
of safety

11 belts or seats by a child under the age of sixteen; and
section twelve

12 hundred twelve of this chapter.

13 § 10. Subdivision 3-a of section 1229-c of the vehicle
and traffic

14 law, as added by chapter 644 of the laws of 2002, is amended
to read as

15 follows:

16 3-a. No person holding a class DJ learner's permit or class
DJ license

17 issued pursuant to section five hundred two of this
chapter, [**or a**

18 **limited class DJ or MJ license issued pursuant to section five hundred**

19 **three-a of this chapter,**] shall operate a motor vehicle in this
state

20 unless such person is restrained by a safety belt
approved by the

21 commissioner, and all passengers under the age of four are
restrained in

22 a specially designed seat which meets the federal motor
vehicle safety

23 standards set forth in 49 C.F.R. 571.213 and which is either

permanently

24 affixed or is affixed to such vehicle by a safety belt and, in
the case

25 of any other passenger under the age of sixteen, he or she is
restrained

26 by a safety belt approved by the commissioner. No person
sixteen years

27 of age or over shall be a passenger in a motor vehicle
operated by a

28 person holding a class DJ learner's permit, a class DJ
license or a

29 limited class DJ license unless such passenger is restrained by
a safety

30 belt approved by the commissioner.

31 § 11. Except as otherwise provided in section twelve of
this act, no

32 municipal corporation, as defined in section 2 of the general
municipal

33 law, shall, after June 10, 2009, enact any local law,
ordinance or code

34 relating to the operation of a motor vehicle while using
a portable

35 electronic device unless the terms of such law, ordinance or
code are

36 identical to section 1225-d of the vehicle and traffic law, as
added by

37 section four of this act. The provisions of this act shall
invalidate

38 and preempt any such local law, ordinance or code, enacted
after June

39 10, 2009, unless the terms of such law, ordinance or code are
identical

40 to section 1225-d of the vehicle and traffic law, as added
by section

41 four of this act.

42 § 12. The provisions of this act shall preempt any local
law, ordi-

43 nance, code, rule or regulation relating to the operation
of a motor

44 vehicle while using a portable electronic device, except that
nothing in

45 this act shall preclude any state or local agency, which,
by permit,

46 license or registration regulates the business or
professional activ-

47 ities of individuals from imposing more stringent
restrictions than

48 provided in this act for the use of portable electronic
devices upon

49 such individuals during the course of engaging in the
business or

50 professional activity that is the subject of such
agency's permit,

51 license or registration.

52 § 13. The commissioner of motor vehicles, in consultation
with the

53 superintendent of the state police, shall study the effects
of the use

54 of portable electronic devices and similar equipment in
conjunction with

55 the operation of a motor vehicle, and the effects of other
forms of

56 driver inattention and distraction, on highway and traffic
safety, and

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1 shall submit a report of his or her findings to the governor,
the tempo-

2 rary president of the senate, the speaker of the
assembly, and the

3 chairs of the transportation committees of the senate and the
assembly,

4 not later than 4 years from the effective date of this act.
Such report

5 shall include, but not be limited to:

6 1. an examination of motor vehicle accident, fatality
and injury

7 statistics relating to the use of portable electronic devices
and simi-

8 lar equipment while operating a motor vehicle;

9 2. an examination of motor vehicle accident, fatality
and injury

10 statistics relating to other forms of driver
inattention and

11 distraction;

12 3. a review and analysis of studies examining the effects
of the use

13 of portable electronic devices or similar equipment on highway
and traf-

14 fic safety;

15 4. a review and analysis of studies and statistics relating
to other

16 types of driver inattention and distraction which affect
highway and

17 traffic safety; and

18 5. recommendations for improving highway and traffic safety
and reduc-

19 ing motor vehicle accidents, if any, related to driver
inattention and

20 distraction.

21 § 14. This act shall take effect immediately; provided,
however, that:

22 (a) sections one, two, three, five, six, eight, nine and
ten of this

23 act shall take effect on the one hundred eightieth day after
it shall

24 have become a law and shall apply to licenses issued on or
after such

25 effective date. Any license issued pursuant to section
503-a of the

26 vehicle and traffic law prior to such effective date shall
remain in

27 effect until the expiration date of such license;

28 (b) sections four and twelve of this act shall take effect
November 1,

29 2009; and

30 (c) section eleven of this act shall expire and be deemed
repealed

31 November 1, 2009.