



NEW YORK STATE SENATOR

Velmanette Montgomery

## Governor Cuomo Signs Law Strengthening Enforcement Against Drivers Caught Using Handheld Electronic Devices

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| ISSUE: **FAMILIES, CRIME, LOCAL GOVERNMENT, TELECOMMUNICATIONS, WIRELESS**

Governor Andrew M. Cuomo today signed a new law that strengthens the enforcement against drivers who use handheld electronic devices for activities such as texting while a vehicle is in motion. The legislation makes this action a primary traffic offense, giving law enforcement the power to stop drivers solely for engaging in this activity.

The Governor also announced today that he will increase the penalty for using a cellular phone without a hands-free device or a handheld device while driving from two to three points through changes in state regulations.

"I am proud to sign this bill today, both as the Governor and as a father of three teenagers," Governor Cuomo said. "It's plain and simple: distracted driving leads to tragedies that have affected families all across New York. This new law will help ensure that drivers keep their eyes on the road and their hands on the wheel. I thank Senator Marcellino and Assemblyman Weisenberg for their hard work on this legislation."

Before this law, it was illegal for drivers to use handheld electronic devices while their vehicle was in motion, but it was a secondary traffic offense -- meaning a driver had to be

stopped for another violation in order to receive a ticket.

The new law makes it a primary traffic offense and it will go into effect immediately. The monetary penalty for a violation of this law continues to be a fine of up to \$150.

Illegal activity includes holding an electronic device and:

- Composing, sending, reading, accessing, browsing, transmitting, saving, or retrieving electronic data such as e-mail, text messages, or webpages
- Viewing, taking, or transmitting images
- Playing games

The law does not penalize drivers using a handheld electronic device that is affixed to a surface or using a GPS device that is attached to the vehicle. The law also exempts police officers, fire fighters, or emergency vehicle drivers while they are performing their duties. In addition, a driver is exempt from the law if the driver is communicating or attempting to communicate with law enforcement, the fire department, or medical personnel during an emergency situation.

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. A study by the Virginia Tech Transportation Institute found that truck drivers who were texting were 23 times more at risk of a crash or near crash.

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