



NEW YORK STATE SENATOR

Neil D. Breslin

Senator Breslin Announces New Traffic Safety Law in Effect to Strengthen Enforcement of Texting-While-Driving

NEIL D. BRESLIN July 15, 2011

(Albany, NY) Senator Neil D. Breslin (D-Delmar) and the New York State Senate passed legislation (S.998B) earlier this year aiming to make roads safer for citizens across the state by strengthening penalties for those who violate traffic safety law. The legislation, which increases texting while driving to a primary offense, was signed on July 12 by Governor Andrew M. Cuomo – taking effect immediately as state law.

“As an elected official, public safety is always one of my top priorities. It is extremely important we establish laws that keep pace with changing technology to keep New York’s drivers, passengers and pedestrians safe on our streets,” Senator Breslin said. “The use of cell phones has increased dramatically over the years and statistics show this has led to more dangerous driving conditions, so I am very pleased to see this law enacted.”

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.

Prior to the new law, operating an electronic handheld device or texting while driving was a secondary offense, meaning a driver could not be pulled over and ticketed solely for that action. With the legislation now in effect, law enforcement have the power to stop drivers using devices such as cell phones, iPods and tablets, among others, and issue a ticket. The monetary penalty for a violation of this law continues to be a fine of up to \$150.

According to a study done by the AAA Foundation for Traffic Safety, 52-percent of people in 2010 said they feel less safe on the road now than they did 5 years ago. This is due in large part to the increase in drivers who talk on cell phones, text and send emails while driving and consistently ignore traffic laws.

“Millions of New Yorkers are on the roads everyday and we need to make sure, for everyone’s safety, the rules make sense and are followed. I am positive that making penalties stronger, and giving police easier means to enforce laws, will make our roads safer for everyone,” Senator Breslin continued.

There are several necessary exceptions to the law, including:

- Not penalizing drivers using a handheld electronic device that is affixed to a surface or using a GPS device that is attached to the vehicle.
- Exempting police officers, fire fighters, or emergency vehicle drivers while they are performing their duties; and
- If a driver is communicating or attempting to communicate with law enforcement, the fire department, or medical personnel during an emergency situation.

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