



NEW YORK STATE SENATOR

Simcha Felder

Felder to Motorists: “Avoid 5-Point Penalty; Don’t Text & Drive!”

SIMCHA FELDER August 11, 2013

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Senator Simcha Felder (D-Brooklyn) is warning motorists to be extra cautious while driving and to avoid texting behind the wheel. As of June 1, tougher penalties were implemented by the Department of Motor Vehicles (DMV) at the direction of Governor Cuomo. The DMV has increased the number of points earned against an individual’s driving record to five points upon conviction for texting-while-driving and cell-phone related infractions.

“Distracted driving is dangerous driving,” said Senator Felder. “It’s not just your life you take into your hands when you get behind the wheel; it’s the lives of your fellow motorists and

pedestrians. One out of every five crashes in New York State is a result of distracted driving.”

Felder is sounding the alarm after receiving calls from constituents who were pulled over for texting-while-driving and received a five-point penalty on their license. New York State and local police have increased enforcement of the texting-while-driving ban on roads across the State. For a first offense, the minimum fine is \$50 and the maximum fine increases to \$400 for a third or subsequent offense.

According to the DMV website, all drivers are prohibited from using portable electronic devices.

Illegal activity includes:

- *“Holding a portable electronic device (even at red lights)”*
- *Talking on a handheld mobile telephone*
- *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 defines the following terms as:

(a) "Portable electronic device" shall mean any hand-held mobile telephone, personal digital assistant (PDA), handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.

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

Exceptions to the Laws

- *When the driver uses a hands-free mobile telephone, which allows the user to communicate without the use of either hand.*
- *Using a handheld electronic device that is affixed to a vehicle surface.*
- *Using a GPS device that is attached to the vehicle.*
- *When the purpose of the phone call is to communicate an emergency to a police or fire department, a hospital or physician's office, or an ambulance corps.*
- *When operating an authorized emergency vehicle in the performance of official duties.”*

“Text messaging and talking on the cell phone while driving are the ultimate distractions,” Senator Felder added. “Too many drivers are taking their focus off the road and the results have proven lethal. The split second you take to look at your phone can mean the difference between life and death for you and others.”

In 2012, law enforcement officials issued a total of 216,706 tickets to people for using a cell phone while driving. As of June 1, 2013, a total of 69,970 people had been ticketed for the same offense.