



Legislation Details (With Text)

**File #:** Int 0257-2002 **Version:** A **Name:** Prohibiting the use of mobile telephones while in a place of public performance.  
**Type:** Introduction **Status:** Enacted  
**In control:** Committee on Consumer Affairs

**On agenda:** 8/15/2002

**Enactment date:** 2/12/2003 **Enactment #:** 2003/009

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to restricting the use of mobile telephones in a place of public performance.

**Sponsors:** Philip Reed, Joseph P. Addabbo, Jr., Gale A. Brewer, Leroy G. Comrie, Jr., Bill De Blasio, Helen D. Foster, Eric N. Gioia, Alan J. Gerson, G. Oliver Koppell, Miguel Martinez, Michael C. Nelson, Bill Perkins, Madeline T. Provenzano, Christine C. Quinn, Domenic M. Recchia, Jr., Helen Sears, Jose M. Serrano, Albert Vann, David I. Weprin, Margarita Lopez, Tracy L. Boyland, James S. Oddo

**Indexes:**

**Attachments:** 1. Committee Report 9/24/02, 2. Hearing Transcript 9/24/02, 3. Committee Report 10/21/02, 4. Hearing Transcript 10/21/02, 5. Committee Report 11/19/02, 6. Hearing Transcript 11/19/02, 7. Hearing Transcript - Stated Meeting - 12/18/02, 8. Committee Report 2/6/03, 9. Hearing Transcript 2/6/03, 10. Stated Meeting - Hearing Transcript - 2/12/03, 11. Local Law, 12. Fiscal Impact Statement

| Date       | Ver. | Action By                     | Action                      | Result |
|------------|------|-------------------------------|-----------------------------|--------|
| 8/15/2002  | *    | City Council                  | Introduced by Council       |        |
| 8/15/2002  | *    | City Council                  | Referred to Comm by Council |        |
| 9/24/2002  | *    | Committee on Consumer Affairs | Hearing Held by Committee   |        |
| 9/24/2002  | *    | Committee on Consumer Affairs | Laid Over by Committee      |        |
| 10/21/2002 | *    | Committee on Consumer Affairs | Laid Over by Committee      |        |
| 10/21/2002 | *    | Committee on Consumer Affairs | Hearing Held by Committee   |        |
| 11/19/2002 | *    | Committee on Consumer Affairs | Hearing Held by Committee   |        |
| 11/19/2002 | A    | Committee on Consumer Affairs | Approved by Committee       | Pass   |
| 11/19/2002 | *    | Committee on Consumer Affairs | Amended by Committee        |        |
| 11/19/2002 | *    | Committee on Consumer Affairs | Amendment Proposed by Comm  |        |
| 11/20/2002 | A    | City Council                  | Laid Over by Council        |        |
| 11/25/2002 | A    | City Council                  | Laid Over by Council        |        |
| 12/4/2002  | A    | City Council                  | Laid Over by Council        |        |
| 12/18/2002 | A    | City Council                  | Approved by Council         | Pass   |
| 12/18/2002 | A    | City Council                  | Sent to Mayor by Council    |        |
| 1/13/2003  | A    | Mayor                         | Vetoed by Mayor             |        |
| 1/14/2003  | A    | City Council                  | Recvd from Mayor by Council |        |
| 2/6/2003   | A    | Committee on Consumer Affairs | Hearing Held by Committee   |        |
| 2/6/2003   | A    | Committee on Consumer Affairs | Approved by Committee       | Pass   |
| 2/12/2003  | A    | City Council                  | Overridden by Council       | Pass   |

LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2003

No. 9

Introduced by Council Members Reed, Addabbo Jr., Brewer, Comrie, DeBlasio, Foster, Gioia, Gerson, Koppell, Martinez, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Sears, Serrano, Vann, Weprin, Lopez, Boyland, Golden and Oddo.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to restricting the use of mobile telephones in a place of public performance.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 2 of Title 24 of the administrative code of the city of New York is amended by adding a new section 24-218.1 to read as follows:

§ 24-218.1. Use of mobile telephones restricted in a place of public performance.

a. Definitions. For purposes of this section:

(1) The term "mobile telephone" shall mean a cellular, analog, wireless, digital or other similar telephone or communications device, which can be used to access two-way real time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service, as such term is defined by 47 CFR § 20.3.

(2) The term "use" shall mean to receive a mobile telephone call signaled by an audible sound, dial a mobile telephone, or talk or listen on a mobile telephone.

(3) The term "place of public performance" shall mean the area, room, or chamber of any indoor theatre, library, museum, gallery, motion picture theatre, concert hall, or building in which theatrical, musical, dance, motion picture, lecture, or other similar performances are exhibited. This term shall not include any area or venue in which professional or amateur sporting events are taking place.

b. No person shall use a mobile telephone in a place of public performance while a theatrical, musical, dance, motion picture, lecture or other similar performance is taking place.

c. Exception. The provisions of this section shall not apply to an individual who uses a mobile telephone to contact an emergency response operator, hospital, physician's office or health clinic, ambulance company, fire company, first aid squad or police department in an emergency situation or in any other circumstance which may be deemed an emergency.

d. Notice to patrons. (1) The owner, operator, manager or other person having control of any place of public performance shall, at every theatrical, musical, dance, motion picture, lecture or other similar performance, provide prominent and conspicuous notice to patrons by means of announcement, signage, printed material, or other similar means indicating that mobile telephone use is prohibited as prescribed in subdivision b of this section. The commissioner of environmental protection may promulgate rules regarding the size, style and location of such notices, but in promulgating such rules, the commissioner of environmental protection shall take into consideration the concerns of the various types of establishments regulated herein with respect to the style and design of such notices.

(2) In addition, the owner, operator, manager or other person having control of any motion picture theatre in which motion pictures are exhibited to the public shall, prior to the showing of each feature motion picture, show upon the movie screen information indicating that mobile telephone use is prohibited as prescribed in subdivision b of this section.

§ 2. Subchapter 8 of chapter 2 of Title 24 of the administrative code of the city of New York is amended by adding the following entry to Table V of Section 24-257 to read as follows:

Table with 7 columns: Violations related to section and subdivision, First Violation, Second Violation, Third and Subsequent Violations, and two columns for Maximum and Minimum fines. Row 1: 24-218.1(b) with fines of \$50.

§3. This local law shall take effect 60 days after it is enacted.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on December 18, 2002, disapproved by the Mayor on January 13, 2003 and repassed by the Council Members on February 12, 2003 and said law is adopted notwithstanding the objection of the Mayor.

VICTOR L. ROBLES, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 9 of 2003, Council Int. No. 257-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on December 18, 2002: 40 for, 9 against, 2 not voting.

Was disapproved by the Mayor on January 13, 2003.

Was returned to the City Clerk on January 14, 2003.

Was reconsidered by the Council on February 12, 2003 and received the following vote of the Council members at a meeting of the Council on February 12, 2003: 38 for, 5 against, 2 not voting.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel