



Legislation Details (With Text)

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**Title:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of mobile telephones while operating a motor vehicle.

**Sponsors:** Noach Dear, Helen M. Marshall, Michael C. Nelson, Stephen J. Fiala, (by request of the Mayor), Ronnie M. Eldridge, Wendell Foster, Juanita E. Watkins, Thomas White, Priscilla A. Wooten, Archie W. Spigner, Michael J. Abel, Martin J. Golden

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12/19/2000	*	City Council	Referred to Comm by Council	
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12/31/2001	*	City Council	Filed (End of Session)	

Int. No. 855

By Council Members Dear, Marshall, Nelson and Fiala (by request of the Mayor); also Council Members Eldridge, Foster, Watkins, White, Wooten, Spigner, Abel and Golden

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of mobile telephones while operating a motor vehicle.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section

10-137 to read as follows:

§ 10-137. Prohibition on the use of mobile telephones while operating a motor vehicle

a. Definitions. For purposes of this section:

1. “Hands-free device” shall mean an attachment, add-on, or addition to a mobile

telephone, whether or not permanently installed in a motor vehicle, that when used allows the operator of a motor vehicle to maintain both hands (or prosthetic device or aid in the case of a physically disabled person) on the applicable steering mechanism.

2. “Mobile telephone” shall mean equipment capable of sending and/or receiving voice communications without a wired access line for service, including but not limited to, cellular, wireless, and PCS (personal communications services) telephones.

3. “Motor vehicle” shall mean a motor vehicle as defined in section one hundred twenty-five of the vehicle and traffic law.

4. “Park” shall mean park as defined in section one hundred twenty-nine of the vehicle and traffic law.

5. “Public highway” shall mean a public highway as defined in section one hundred thirty-four of the vehicle and traffic law.

6. “Stand” shall mean stand as defined in section one hundred forty-five of the vehicle and traffic law.

7. “Stop” shall mean stop as defined in section one hundred forty-six of the vehicle and traffic law.

8. “Use” shall mean to talk or listen on a mobile telephone.

a. Except as provided in subdivision c of this section, no person shall operate a motor vehicle on a public highway while using a mobile telephone.

b. 1. The use of a mobile telephone by an operator of a motor vehicle shall not be a violation of subdivision b of this section where the operator was using such mobile telephone to contact a 911 emergency telephone number, or to make an emergency telephone call to a hospital or a medical doctor’s office.

2. The use of a mobile telephone by an operator of a motor vehicle shall not be a violation of subdivision b of this section where the mobile telephone was equipped and used with a hands-free

device.

3. The use of a mobile telephone by an operator of a motor vehicle shall not be a violation of subdivision b of this section where the motor vehicle is stopped standing or parked.

d. Any person who operates a motor vehicle on a public highway in violation of subdivision b of this section shall be guilty of a traffic infraction and upon conviction thereof shall be liable for a fine of not less than fifty dollars nor more than one hundred fifty dollars. Such traffic infraction may be adjudicated pursuant to article two-A of the vehicle and traffic law.

§ 2. This local law shall take effect 60 days after it shall have become a law.