



Legislation Text

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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.