



Legislation Text

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Res. No. 668

Resolution calling upon the State Legislature to pass and the Governor to sign, legislation that would make killing someone while driving and using a phone or handheld device a felony and seriously injuring someone while driving and using a phone or handheld device, a misdemeanor.

By Council Members Koslowitz, Mendez, Rosenthal, Gentile, Koo, Vallone, Cohen and Menchaca

Whereas, According to New York State Vehicle and Traffic Law, it is presently a traffic infraction to operate a motor vehicle while using a mobile telephone to make a call, as well as to operate a motor vehicle while using a handheld device to text or otherwise be distracted from driving; and

Whereas, Violations of these provisions are punishable by a fine of no less than \$50 or no more than \$200; and

Whereas, According to the National Safety Council, which tracks traffic crashes across the United States, in 2014, 25% of all car crashes in the United States were caused by talking on the phone while driving and 5% of all car crashes in the United States were caused by texting while driving, totaling 30% of all crashes; and

Whereas, According to the National Safety Council, in 2012, a motorist who was texting while driving was six times more likely to get into a crash than a motorist who was driving drunk; and

Whereas, Making a violation of these laws a misdemeanor where a person is seriously injured and a felony where a person is killed would appropriately increase the penalties associated with killing or severely harming another person through a driver's careless disregard for the safety of others; and

Whereas, This change would also make enforcement easier by allowing a police officer to charge a person for seriously injuring or killing another person while using a mobile telephone or handheld device while

driving, based upon probable cause, even if the officer did not witness the crash, as the officer's witnessing the crash is required under current law; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would make killing someone while driving and using a phone or handheld device a felony and seriously injuring someone while driving and using a phone or handheld device a misdemeanor.

RM
LS#4714
3/31/2015