



Legislation Text

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Int. No. 351-A

By Council Members Fidler, Jackson, Weprin, Katz, Recchia Jr., Stewart, Yassky, Felder, Gentile, James, Gonzalez, Nelson, Vann, Dilan, Comrie, Dickens, Rivera, Addabbo Jr., Arroyo, Avella, Brewer, Foster, Gallagher, Garodnick, Gerson, Gennaro, Gioia, Lappin, Liu, Martinez, McMahon, Mendez, Sears, Vallone Jr., White Jr., Barron, Palma, de Blasio, Eugene and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to allowing schoolchildren to carry cellular phones to and from school.

Be it enacted by the Council as follows:

Section 1. Legislative intent. Cellular phones have proven to be invaluable tools in facilitating communication between schoolchildren and their parents or guardians as such children travel to and from school. The use of such phones allows parents or guardians to ensure their children's safe arrival at school in the morning and back at home at the end of the school day, and enables any children traveling to or from school who become injured or lost, or who find themselves in a remote location or in other dangerous circumstances, to contact their parents or guardians or the police. In addition, such use provides parents and their children with significant peace of mind. It is therefore the Council's intent to allow schoolchildren to carry cellular phones with them to and from school for the purpose of being used outside of school to promote safety and the general welfare.

§2. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-166 to read as follows:

§10-166 Use of cellular telephones by schoolchildren. a. Definitions. For the purposes of this section:

(1) "Cellular telephone" shall mean any mobile 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) “School” shall mean any buildings, grounds, facilities, property, or portion thereof under the jurisdiction of the New York city department of education or any non-public school that provides educational instruction to students at or below the twelfth grade level.

(3) “Student” shall mean any person under the age of eighteen enrolled in a school.

b. Any parent or guardian of any student may provide such student with a cellular telephone for any lawful use en route to and from school. No person shall interfere with the provision of such telephone to, or the use of such telephone by, such student.

c. Any person who is aggrieved by interference prohibited by subdivision b of this section shall be entitled to seek equitable relief in any court of competent jurisdiction.

d. Nothing in this section shall be construed to affect or limit the right of any school or law enforcement official to enforce regulations regarding the use of cellular telephones.

§3. This local law shall take effect ninety days after its enactment into law.

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