



Legislation Text

---

File #: Int 0544-2014, Version: \*

---

Int. No. 544

By Council Members Treyger, Rodriguez, Kallos, Cumbo, Menchaca, Gentile, Cohen, Deutsch, Johnson, Koo, Mealy, Mendez, Miller, Maisel, Barron, Rosenthal, King, Palma, Espinal, Garodnick and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of wireless communications devices while operating a bicycle.

Be it enacted by the Council as follows:

Section 1. Subchapter two of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-171.3 to read as follows:

§ 19-171.3 Use of wireless communications devices while operating a bicycle. a. Definitions. For the purposes of this section:

1. "Bicycle" shall have the same meaning as in section 19-176 of this chapter.
  2. "Electronic communications device" means any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit electronic messages with such device, including but not limited to wireless telephones, personal digital assistants, and portable or mobile computers.
  3. "Electronic message" means any self-contained digital communication that is designed or intended to be transmitted between electronic communications devices, including but not limited to electronic mail, text messages, instant messages, commands or requests to access an internet site, or telephone communications.
  4. "Public highway" shall have the same meaning as in section 19-171 of this chapter.
  5. "Using" means composing, reading, sending, or listening to an electronic message.
- b. Notwithstanding any other law or rule, no person shall operate a bicycle on a public highway while using an electronic communications device.

c. This section shall not apply to: i) officers or employees of any federal, state, or city law enforcement agency acting in an official capacity; ii) those utilizing an electronic communications device that is in a voice activated or other hands free mode; iii) those using an electronic communications device for the sole purpose of reporting an emergency and communication with emergency personal; or iv) those using an electronic communications device while maintaining a stationary position throughout the entirety of such use.

d. It shall be a traffic infraction to violate the provisions of this section punishable by a civil penalty of not more than fifty dollars. Notwithstanding the foregoing, a person shall not be liable for a civil penalty for a first violation of this section unless damage to real property or the personal property of another or personal injury was caused due to an incident involving a bicycle operated by such person at the time of such first violation. In addition, any person who violates any provision of this section more than once within any eighteen month period shall be subject to the imposition of an additional civil penalty of not less than fifty dollars nor more than two hundred dollars. Such traffic infractions shall be heard and determined in accordance with article 2-A of the vehicle and traffic law.

e. No later than December 31, 2016 and annually thereafter, the commissioner shall submit to the mayor and the council and post on the department's official website the total number of violations issued pursuant to this section disaggregated by borough and police precinct.

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

KET 10/7/14 6:01P M  
LS 2251/2014