



Legislation Text

File #: Res 1238-2005, **Version:** *

Res. No. 1238

Resolution calling upon the New York State Legislature to amend the Vehicle and Traffic Law so that non-police officers employed by state and municipal law enforcement agencies are mandated to wear safety belts while operating authorized emergency vehicles, and urging the New York City Police Commissioner to enforce the ban against unauthorized mobile telephone use by law enforcement personnel while operating authorized emergency vehicles.

By Council Members Baez, Barron, Foster, Gerson and Nelson

Whereas, Traffic accidents that result in serious injuries and fatalities because of the failure to wear safety belts, and because of the use of hand-held mobile telephones while driving, are preventable tragedies; and

Whereas, The U.S. Department of Transportation's National Highway Traffic Safety Administration indicates that 56 percent of the estimated 42,800 people killed on U.S. highways in 2004 were not wearing safety belts; at a current rate of 82 percent of Americans wearing their safety belts while driving or riding in their vehicles, safety belts are preventing 15,700 fatalities, 350,000 serious injuries, and \$67 billion in economic costs associated with traffic injuries and deaths every year; and

Whereas, According to a study published in the *New England Journal of Medicine*, the distraction caused by mobile telephone use while driving quadrupled the risk of a collision, a rate equivalent to the impairment caused by legal intoxication; further, a 2003 article by the Harvard Center for Risk Analysis assessed that mobile telephone use by drivers may cause approximately 2,600 deaths, 330,000 moderate to critical injuries, and 1.5 million instances of property damage in America per year; and

Whereas, States have taken an active role in addressing traffic safety, leading to the adoption of safety belt use requirements, with forty-nine states mandating all motor vehicle occupants to wear safety belts; every

state has also considered legislation regarding mobile telephones and distracted driving, with 17 states enacting such laws; and

Whereas, New York State law does not mandate that police officers and non-police officers employed by state and municipal law enforcement agencies wear safety belts while operating an “authorized emergency vehicle,” as defined in the Vehicle and Traffic Law, which includes vehicles “operated by the police department”; in addition, police officers and non-police officers employed by state and municipal law enforcement agencies are prohibited from using hand-held mobile telephones while driving authorized emergency vehicles, except when performing official duties; and

Whereas, Although police officers and others employed by law enforcement agencies should be encouraged to use these safety devices while operating an authorized emergency vehicle, non-police officers who operate authorized emergency vehicles should not be statutorily exempt from wearing safety belts, as these actions have been proven to jeopardize public safety, which includes the safety of non-police officers; and

Whereas, While the use of such seat belts may be perceived as difficult considering the number of times a non-police officer enters and exits his or her vehicle, it is imperative for the safety of these individuals, as well as for the public, that these officers wear safety belts; and

Whereas, It is also important that police officers and non-police officers adhere to the law that bans hand-held mobile telephone use, except when engaging in official duties, because such use endangers public safety and the Police Commissioner should ensure that this ban is enforced; and

Whereas, These vehicle and traffic laws were designed to protect the public, as well as law enforcement personnel, and should be enforced uniformly; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Vehicle and Traffic Law so that non-police officers employed by state and municipal law enforcement agencies are mandated to wear safety belts while operating authorized emergency vehicles, and urging the New York City Police Commissioner to enforce the ban against unauthorized mobile telephone use

by law enforcement personnel while operating authorized emergency vehicles.

JPV
LS# 3552
10/24/05