

## To All Interested Parties:

Press Release  
For Immediate Release

January 28, 2010

### NYC TLC Distracted Driving Rules Take Effect Tomorrow

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#### *Zero Tolerance Day to Mark New Rules*

The New York City Taxi and Limousine Commission (TLC) today announced that new regulations prohibiting the use of all forms of distractive electronic devices by its licensees in the taxicab, livery, black car, luxury limousine, commuter van and paratransit industries will be in full effect as of tomorrow, January 29, 2010. The regulations were approved by the TLC's Board of Commissioners on December 17, 2009.

The TLC will mark the effective date by commencing an enforcement "crackdown" on violators of the new regulations by TLC officers.

While the TLC was the first regulator in the nation to ban the use of hands-free as well as hand-held cell phone use while driving by its licensees in May 2009, technology has progressed to a significant degree since then to include such innovations as Bluetooth devices. These have presented a challenge to enforcement officers by allowing violators to mask their cell phone usage with the pretense of conversations with passengers, among other excuses. These new regulations take such challenges into account by prohibiting even the presence of Bluetooth devices in the proximity of drivers' ears. ***In other words, no hands-free devices – wired or wireless – may be worn or used while licensees are driving.*** Drivers are likewise prohibited from using all manner of distractive personal electronic devices, such as portable gaming systems, personal digital assistants (PDA's), and portable multi-function music players, among others.

The TLC's new regulations also complement recent state-imposed regulations prohibiting texting while driving for all drivers.

"The time has come to put an end to the abuse of distracted driving by taxicab and for-hire vehicle drivers," said TLC Commissioner/Chairman Matthew W. Daus. "First and foremost it is a safety issue, but it is also a customer service issue when a driver's concentration is split between his cell phone conversation, his driving, and his passenger. There is no reason to wait for a tragedy to occur before drivers get the message that such distractions are dangerous and entirely unacceptable."

***The new regulations create a true "three strikes and you're out" reality for TLC-licensed drivers by providing a framework by which their TLC licenses would be revoked for three violations within a 15-month period. This modifies the previous "five strikes" provision.***

## Fact Sheet

### **Old Rule.....**

Both hand-held and hands-free cell phones prohibited for use while driving  
Bluetooth was allowed in ear  
NYC TLC was the first in the country to ban hands-free devices for its licensees

\$200 fine & two penalty points per violation  
3 convictions within 15 months = 30-day suspension  
5 convictions within 15 months = revocation  
FIVE strikes and you're out.

### **New Rule.....**

Hands-free and hand-held cell phones prohibited for use while driving  
ALL distractive portable or hands-free electronics (iPods, portable game systems, etc.) capable of voice and/or text communications prohibited for use while driving.  
Even WEARING a Bluetooth in your ear is now a violation! TLC expanded the definition of "use" to include immediate proximity to the driver's ear.

\$200 fine & THREE penalty points for 1st and 2nd violations, FOUR points for third violation.  
*That makes it THREE strikes and you're out.*  
1st violation = \$200 fine & course (see bolded, below)  
2nd violation = \$200 fine, course & 30-day suspension  
3rd violation = \$200 fine & revocation

Currently, Vehicle and Traffic Law (VTL) assigns no license points for cell phone violations answerable in the Department of Motor Vehicles (DMV's) tribunal. TLC's new regulations will count non-point-bearing cell phone violations issued by NYPD toward their "Three Strikes." This increases the TLC's enforcement of Distracted Driving Rules by 247-fold (150 TLC officers vs. 37,038 uniformed NYPD).

***First- and second-time violators must attend a newly-developed Distracted Driver Safety Course, which includes the showing of a special video showing the tragic potential aftermath of distracted driving.***

There will be a new passenger information decal in taxicabs to highlight the new restrictions and information will be posted on the electronic Passenger Information Monitors (PIMS) in the back of all taxicabs.

### **Special Provisions.....**

- The rules exempt certain vehicle-mounted, non-handheld, voice-activated or one-button devices to allow for truly expeditious dispatch-related communication in the For-Hire Vehicle industries.
- The rules allow for an Affirmative Defense for true emergency calls (i.e. 911).