

ADJOURN DATE _____

(TO BE FILLED OUT BY PROSECUTOR)

Nassau County Traffic & Parking Violation Agency
Distracted Driver Education Program (DDEP)

Why would a motorist be interested in the program?

A motorist who is charged with a distracted driving offense **1225-D Prohibited Use of an Electronic Device** or **1225-C2A Improper Use of a Cellphone** may be offered the opportunity to enter the DDEP. Upon successful completion of the DDEP, the motorist will have pleaded guilty to the reduced charge of **“P1202-B2” Parking Within 15 Feet of a Fire Hydrant**”. This allows the motorist an opportunity have a 5-point violation reduced to a no-point violation.

Why would the Agency allow a driver to have a 5-point traffic violation reduced to no points?

The DDEP modifies the behavior of motorists who learn to be free of the distractions caused by handling portable electronic devices making the roads safer for everyone.

How does the DDEP modify motorist behavior?

A device is installed in the motorist’s primary vehicle and an app is installed on the motorist’s phone. The app receives information from the device which causes the keyboard of the phone to deactivate and the screen to be blocked. The motorist is broken of the habit of reaching for the device. However, voice commands are not disabled, so the motorist can still use apps like “Hey Siri”, which don’t require the user to touch or even look at their device, to control their device legally while driving.

Who is eligible to enter this program?

This program requires the recommendation of the prosecutor, the approval of The Court, and the consent of the motorist. In addition, the **motorist must have an iPhone (4s and above) or an Android (4.3 and above)** phone and Bluetooth in the car or be willing to purchase them immediately. The motorist is given 10 days to purchase the device, install it in the car, and install the app on their phone.

What if the motorist is not offered or chooses not to enter this program?

The motorist can plead guilty to the original charge or ask for a trial. If a trial is desired, the motorist will be notified by mail of the date of the trial.

How does the motorist enter the program?

The motorist signs a plea agreement (page 9 of this packet is executed and is retained by the court, page 3 is the motorist’s copy) admitting to improper use of an electronic device, acknowledges the signing and understanding of the document before the court, pays \$283 (\$338 if issued on or after 1/2/2017) in fines and fees to the cashier immediately upon leaving the courtroom, and immediately purchases online and installs in the car the motorist uses most frequently, a device called “DRIVEID” (approximately \$125) which mounts to the windshield like an EZ-PASS and works along with the Bluetooth in the car and an app called “DRIVEPROTECT” that the motorist must install on their phone and leave running at all times.

How does the program work?

The DRIVEPROTECT app on the smartphone works with the DRIVEID device to prevent manual usage of the smartphone while the car is in motion and the smartphone is in close proximity to the driver. Text messages are also blocked and not delivered until the trip ends. The motorist either waits until driving has stopped or learns to use voice commands to control their smartphone without having to look at or hold it. The motorist

may make voice activated calls via Bluetooth or may initiate a phone call before driving and place it on the Bluetooth device. Also, the device does allow the driver to manually call 911.

Can a motorist be unsuccessful with the program?

Yes. If the motorist fails to purchase the device, the motorist agrees that they plead guilty to the original charge. If the motorist purchases the device but uninstalls it or the app before 90 days in the car and at least 70 days of usage, they must return on the adjourn date and advise the court they purchased the device but were unsuccessful and plead guilty to the 4-point violation, 1129-A "following too closely". Failure to do this may result in a conviction of the original 5-point offense.

What happens if the motorist chooses to have a trial instead of entering the DDEP?

On the day of the trial, the officer who issued the violation will be brought in to testify. The motorist may bring an attorney to the trial. If the motorist doesn't appear for the trial, a conviction to the original charge may be entered along with a Default Conviction fee of \$75. If, after trial, the motorist is found guilty, fines are imposed by The Court and the conviction will cause DMV to assign 5 points against the motorist's license. If the motorist is found not guilty, there are no fines and no points.

To have a trial date adjourned the motorist must appear at least one week before the trial date and show documented proof to the satisfaction of the Court indicating a need for the adjournment. If the court approves, a new trial date will be set that the motorist cannot adjourn.

If the motorist enters the program, how and where can they purchase the device?

After entering the program by appearing before The Court and paying the \$283 (\$338 if issued on or after 1/2/2017) fines and fees to the cashier, the motorist should go to www.cellcontrol.com/nassaucounty and purchase and install the device in the car and the app on the phone as soon as it arrives. Follow the instructions that come with the device to get the device to recognize both the smartphone and the Bluetooth device. You will see the details of the reports on your smartphone and also on the website where you set up the account. Nassau County receives trip information necessary to confirm that the device is preventing manual phone usage while the car is moving, including the days the trips occurred, how many miles were driven, and whether manual usage blocking was in effect as required. No location information is provided to Nassau County.

How does a motorist complete the program?

After at least 90 days since the first usage and at least 70 days of actual usage, the motorist can apply to have their final disposition recorded as a parking ticket. The motorist must complete and return the exit survey, a copy of which they acknowledge receiving at the time they signed this agreement. A representative from the agency will confirm compliance, review the survey, and cause the court to enter a no-point parking violation as the final disposition. The motorist should not remove the app or the device until they confirm that they have completed the program successfully by referring to item 7 on page 3 of this document. Once confirmed, the ticket is closed and the motorist may remove the app and then the device from their car if they so choose.

Will this program restrict my ability to use my smartphone as a GPS device?

This device will allow voice commands but block the screen while using Waze, but will allow full usage of google maps. Any hand usage of the device must occur when the vehicle is stopped.

What am I agreeing to?

1. I am admitting to improper use of an electronic device as described, either VTL 1225(c)2(a)- “Improper Use of a Cellphone“ or VTL 1225(d)- “Prohibited Use on an Electronic Device” and plead guilty to the charge, however, I understand that my plea will be delayed for approximately 120 days to allow me time to complete the Distracted Driver Education Program (DDEP) which is described in documents I acknowledge receiving, reading, understanding, and retaining. After completing the DDEP I will submit the survey which is included in the documents, and after the court confirms my participation in the program, my guilty plea will be entered in the court record as “parking too close to a hydrant”, a no point parking violation.
2. I will pay the court cashier \$283 (\$338 if issued on or after 1/2/2017) in fines and fees today and have or will have within 10 days a compatible Smartphone and Bluetooth transmitter as described.
3. I will purchase the DRIVERID device at www.cellcontrol.com/nassaucounty for \$115 plus shipping, install it on my windshield and will also install the DRIVEPROTECT app on my phone per the manufacturer’s directions within 10 days.
4. I understand this device will prevent me from using the keyboard and screen while my car is in motion and that this device will provide a mechanism to determine frequency of usage. No personally identifying information will be provided to the Court. I will have the ability to have other information provided to me about my trips, but under no circumstances will this information be reported to or available to The Court.
5. I will use this device for a minimum of 90 days and a minimum of 70 days of usage. I have 120 days to accomplish this.
6. After I have completed the program I will mail the completed survey that I acknowledge receiving today to the mailing address at the end of the survey.
7. I will go to <https://nassau.surecourt.com/epay/EZPay/TicketSelect.aspx> 7 days after mailing in the survey to confirm that the final disposition of my ticket was a parking ticket as agreed upon and will not remove the device or app until I have confirmed this. The Violation code should read P1202-B2: BLOCKING FIRE HYDRANT. If this is not the case, I will go to <https://forms.nassaucountyny.gov/agencies/TPV/contact.php> and fill out the form on that page and wait for a response.
8. If I don’t complete the program within the TIME allotted today, I will need to come to court and request an extension or I understand that a 4-point conviction, “Following too Closely” will be entered by the court. Furthermore, if I don’t purchase the device at all, I understand that a guilty plea to the original distracted driving charge may be entered.
9. I understand that if I receive a new distracted driving summons during my time in the program, I will need to return to court and I will be required to stay in the program until my new summons is adjudicated. In no case will the time in the program be reduced.
10. I enter this plea of guilty under my own free will and I waive my right to appeal.

PRINT NAME _____ THIS IS YOUR COPY TO KEEP. FILL OUT COURT’S COPY ON PAGE 9 _____

SIGNATURE _____ DATE _____

TICKET NUMBER _____ ADJOURN DATE _____

EMAIL ADDRESS _____

DISTRACTED DRIVER EDUCATION PROGRAM EXIT SURVEY

PRINT NAME _____ TICKET NUMBER _____

Read this survey now, but do not complete this survey until you have completed the program!

1. I used hands free voice commands for communicating with my mobile phone before installing the cell control device

Disagree **Neither agree
nor disagree** **Agree**

2. I used hands free voice commands after installing the cell control device.

Disagree **Neither agree
nor disagree** **Agree**

3. I feel like going through the Nassau County Distracted Driver Education program and using the cell control device has changed my habits and I can now use my smartphone without holding it in my hand and/or looking at it.

Disagree **Neither agree
nor disagree** **Agree**

4. I feel less distracted knowing I can control my smartphone by using voice commands instead of manipulating it with my hands.

Disagree **Neither agree
nor disagree** **Agree**

5. I feel like this has been a worthwhile program that should be continued for first time offenders.

Disagree **Neither agree
nor disagree** **Agree**

6. I will consider keeping the device installed in my car and adding other numbers of drivers of my car to the website to prevent them from violating the law and putting their lives and the lives of others at undue risk. (If you don't want to continue using the device, see the instructions below on how to determine that your final disposition has been reduced to a no point violation before removing the app from your device and the device from your windshield.)

Disagree **Neither agree
nor disagree** **Agree**

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PRINT NAME _____

SIGNATURE _____ DATE _____

TICKET NUMBER _____ ADJOURN DATE _____

EMAIL ADDRESS _____