

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 the 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 to 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 to 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 this program or chooses not to enter it?

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?

1) The motorist signs the plea agreement, which is the last page of this packet, 2) admitting to improper use of an electronic device, 3) acknowledges the signing and understanding of the document before the court, 4) pays \$338 in fines and fees to the cashier immediately upon leaving the courtroom and 5) immediately purchases online and installs in the car the motorist uses most frequently, a device called “CELLCONTROL DRIVEID” (approximately \$112 plus shipping) which mounts to the windshield like an EZ-PASS. It works along with the Bluetooth in the car and an app called “CELLCONTROL” that the motorist must install on their phone and leave running at all times. The motorist must create an account with the CELLCONTROL app.

How does the program work?

The CELLCONTROL app on the smartphone works with the CELLCONTROL 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, a conviction to the original charge will be entered. If the motorist does not register at least 70 days of actual usage in a 90-day usage period, a conviction for the original charge, 1225(c)(2) or 1225(d), will be entered. It is the responsibility of the motorist to refer to both the app and their online account to ensure that the usage is being registered. If the motorist determines, they will not reach 70 days of usage within the 90-day time period by the adjourn date in this contract, the motorist must request an additional 30 days of usage by mailing a letter indicating why more time is needed. In addition, the motorist must send a check or money order to NCTPVA in the amount of \$15 to DDEP ADDITIONAL TIME, 16 Cooper Street West, Hempstead, New York 11550 along with a self-addressed stamped envelope in which the motorists' receipt and approval will be mailed to them. Only one 30-day extension will be granted.

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.

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 \$338 in fines and fees to the cashier, the motorist should go to [www.cellcontrol.com/nassaucounty](http://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. The motorist will see the details of the reports on their smartphone and on the website where they 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. The motorist should confirm often that their activity is being registered on both the app and the website and should contact CELLCONTROL support immediately if it is not.

How does a motorist complete the program?

On the adjourn date, the Court will check the motorist's usage to confirm compliance and also confirm that the motorist has not been charged with distracted driving during the program period (date of plea to date of completion of program) and the court will enter a conviction to the parking ticket as agreed. If the court finds no program use, a conviction to the original charge will be entered. If the Court finds that the motorist did not complete at least 70 days of usage in 90 days since the first usage, a conviction of the original charge of 1225 (c)(2) or 1225 (d) will be entered. The motorist can confirm their successful completion by visiting <https://nassau.surecourt.com/epay/EZPay/TicketSelect.aspx> to confirm the disposition as a parking ticket and should not remove the app or the device until they have confirmed they have completed the program.

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, by either VTL 1225(c)2(a) "Improper Use of a Cell Phone" or VTL 1225(d) "Prohibited Use of 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.
2. I will pay the court cashier \$338 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 CELLCONTROL DRIVEID device at [www.cellcontrol.com/nassaucounty](http://www.cellcontrol.com/nassaucounty) for \$112 plus shipping, install it on my windshield and will also install the CELLCONTROL 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. I will go to <https://nassau.surecourt.com/epay/EZPay/TicketSelect.aspx> on the adjournment date to confirm that the final disposition of my ticket was a parking violation 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, and I believe it should be, 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. The ticket number must appear in the request.
7. If I don't complete the program within the time allotted, I will request an additional 30 days of usage by mailing a letter indicating why more time is needed and a check or money order to NCTPVA in the amount of \$15 to DDEP ADDITIONAL TIME, 16 Cooper Street West, Hempstead, New York 11550 along with a self-addressed stamped envelope in which my receipt and approval will be mailed to me. Only one 30-day extension will be granted. If I fail to ask for more time and a conviction is sent up to Albany DMV, I will need to pay a vacate fee of \$50 upon successful completion of the program. The ticket number must appear in the request.
8. If I have less usage than required and fail to request additional time or cannot complete the program after having requested additional time, I understand that the original 5-point violation, 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 charge of 1225(c)2(a) or 1225(d) will be entered.
9. I understand that if I receive a new distracted driving summons during my time in the program, I will need to inform the Court of this in a letter sent by registered mail to DDEP, 16 Cooper Street West, Hempstead, New York 11550 asking that the program be extended until the new ticket is adjudicated along with a check or money order for \$15 payable to NCTPVA and a self-addressed stamped envelope. I understand I will be given instructions on how to proceed via return mail.
10. I enter this plea of guilty under my own free will and I waive my right to appeal.

PRINT NAME \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

TICKET NUMBER \_\_\_\_\_ ADJOURN DATE \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

## Statement from the Court

You appeared before the Judge and indicated that you have reviewed and accepted the terms of the distracted driver education program. Accordingly, the clerk of the court has adjourned your case for 120 days. On that date, the clerk will review your device usage history to confirm that the device shows usage on at least 70 different days, that there are at most 90 days between your first and last day of usage, and that you have not received any additional distracted driving tickets since you joined the program. If these conditions are met, the clerk will enter the no-point parking violation (P1202-B2) into the court record signifying a disposition of “parked too close to a hydrant”. There is a provision (item 7 in the agreement you signed) for a onetime 30-day extension of time. If you start the program and don’t complete it within the 120 days, you are entitled to request, in writing, a onetime 30-day extension. Thereupon, if you don’t complete the program within 120 days, or within 150 days if you are granted a 30-day extension, the clerk will enter a guilty plea to the original charge of 1225(c)(2) or 1225(d), into the Court Record. Finally, if you fail to purchase the device at all, the clerk will enter a guilty plea to the original charge of 1225(c)(2)(a) or 1225(d) into the record. If you are charged with a subsequent violation between the start and the completion of the program, there are instructions (item 9 in the agreement you signed) on how to proceed.

## Motorist Checklist

1. Make sure you have the ticket number written on your copy of this agreement and that your email address is also written clearly on the Court’s copy. This is how the Court, if necessary, will contact you.
2. Go to [cellcontrol.com/nassaucounty](http://cellcontrol.com/nassaucounty) to purchase the device and make sure you completely fill out the form correctly including your name, email address, and ticket number. This form will allow the court to confirm your participation in the program.
3. Create an account, and then install the device and the app according to the instructions you receive when your package arrives.
4. Log onto your account after the first week and every few weeks thereafter to make sure that your usage is registering. You should contact CELLCONTROL support immediately if it is not registering or if your phone is not being blocked when your car is in motion.
5. Make sure that you will have at least 70 days of usage and that there was at most 90 days between when you start and finish the program. If you determine that the required timeframe will not be met, follow the instructions in item 7 of the agreement you signed to get a one-time 30-day extension prior to the program’s completion date.
6. Notify the Court immediately via registered mail if you receive a new distracted driving ticket (item 9 of the agreement you signed) while in the program. The Court will contact you by email with further instructions.
7. Check your ticket on the website (item 6 in the agreement you signed) to confirm the final court disposition is correct on your adjourned date. If it is not correct, notify the Court via the link (also in item 6) in the agreement.
8. It should be noted that this program previously required a survey to be completed. There is no longer a survey requirement.
9. All methods of communication with the Court are set forth in items 6, 7, & 9 of the agreement you signed. The methods require you to communicate through a form on our website or by mail. Do not return to the agency on this matter unless you are directed to do so in writing.

What am I agreeing to?

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2. I will pay the court cashier \$338 in fines and fees today and have or will have within 10 days a compatible Smartphone and Bluetooth transmitter as described.
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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.
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8. If I have less usage than required and fail to request additional time or cannot complete the program after having requested additional time, I understand that 5-point violation, 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 charge of 1225(c)(2)(a) or 1225(d) will be entered.
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10. I enter this plea of guilty under my own free will and I waive my right to appeal.

PRINT NAME \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

TICKET NUMBER \_\_\_\_\_ ADJOURN DATE \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_