

**On October 28, 2013**

the following changes to the mobile phone/portable electronic device use law for **Commercial Drivers (CDL)** took effect:

A motor carrier must not allow or require their drivers to use mobile phones/ portable electronic devices while driving.

A mobile telephone used by a person operating a commercial motor vehicle shall not be deemed a "hands-free mobile telephone" when the driver dials or answers the mobile telephone by pressing more than a single button.

Commercial drivers are prohibited from making a phone call or using a portable electronic device while the vehicle is temporarily stationary because of traffic, a traffic control device, or other momentary delays.

An operator of a commercial motor vehicle who holds a mobile telephone to, or in the immediate proximity of, his or her ear while the vehicle is temporarily stationary because of traffic, a traffic control device, or other momentary delays is also presumed to be engaged in a call.

An operator of a commercial motor vehicle who holds a portable electronic device in a conspicuous manner while such vehicle is temporarily stationary because of traffic, a traffic control device, or other momentary delays is presumed to be using the device.

# Madison County Sheriff's Office

## Allen Riley, Sheriff

Dedicated to improving the quality of life for the citizens of Madison County.

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**CELLPHONE &  
ELECTRONIC DEVICE  
LAW  
from the  
Madison County  
Sheriff's Office**

Today there are more than 285.6 million wireless subscribers in the U.S. The National Highway Traffic Safety Administration estimates that 11 percent of all drivers at any given time are using cell phones, and the National Safety Council estimates more than one in four motor vehicle crashes involve cell phone use at the time of the crash.

# NEW YORK STATE'S MOBILE PHONE and PORTABLE ELECTRONIC DEVICE LAWS

## New York prohibits all drivers from using portable electronic devices.

Illegal activity includes holding a portable electronic device and:

Talking on a handheld mobile telephone

Composing, sending, reading, accessing, browsing, transmitting, saving, or retrieving electronic data such as e-mail, text messages, or webpages

Viewing, taking, or transmitting images

Playing games

The law defines the following terms as:

(a) "Portable electronic device" shall mean any hand-held mobile telephone, as defined by subdivision one of section twelve hundred twenty-five-c of this article, personal digital assistant (PDA), handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.

(b) "Using" shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or other electronic data.

## Exceptions to the Laws

When the driver uses a hands-free mobile telephone, which allows the user to communicate without the use of either hand.

Using a handheld electronic device that is affixed to a vehicle surface.

Using a GPS device that is attached to the vehicle.

When the purpose of the phone call is to communicate an emergency to a police or fire department, a hospital or physician's office, or an ambulance corps.

When operating an authorized emergency vehicle in the performance of official duties

## Violation Penalties and Fines

The penalty for a violation of this law shall be a fine of up to \$150 and 5 driver violation points. This is a primary law, which means an officer may stop you if you are observed using a hand held device. It is illegal for drivers to use handheld electronic devices while their vehicle is in motion, mobile phone use requires a hands-free device.

For offenses committed between October 5, 2011 and May 31, 2013, the violation carried three driver violation points.

**For offenses committed on or after June 1, 2013, this violation carries five driver violation points.**

Effective November 1, 2014,

the following changes to the cell phone/texting laws for drivers with a probationary license, Class DJ, Class MJ or a learner permit took effect:

- ◆ A conviction will result in a mandatory **120-day driver license or permit suspension.**
- ◆ A second such conviction within six months will result in:
- ◆ a revocation of **at least 1 year** of a probationary license, Junior License of learner permit.

**Also  
Effective, November 1, 2014**

finer for mobile phone/portable electronic device use while driving increased.

- ◆ For a first offense, \$50 to \$200.00
- ◆ For a second offense committed within 18 months, \$50 to \$250.
- ◆ For a third or subsequent offense committed within 18 months, \$50 to \$450.