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**PLEASE READ THIS FIRST!**

These excerpts are provided for information only and NOT as the basis for legal or judicial determinations. ALWAYS verify them against the most recent available copy of the law. The entire Vehicle and Traffic Law, sorted by **section number**, is available from the [New York State Legislative Bill Drafting Commission](#).

Contents 2001 - 2002 Edition (as of April 2002)

Article 33	Miscellaneous Rules
Section 1225-c.	Use of mobile telephones.

§1225-c. Use of mobile telephones.

1. For purposes of this section, the following terms shall mean:

- (a) "Mobile telephone" shall mean the device used by subscribers and other users of wireless telephone service to access such service.
- (b) "Wireless telephone service" shall mean two-way real time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service, as such term is defined by 47 C.F.R. S 20.3.
- (c) "Using" shall mean holding a mobile telephone to, or in the immediate proximity of, the user's ear.
- (d) "Hand-held mobile telephone" shall mean a mobile telephone with which a user engages in a call using at least one hand.
- (e) "Hands-free mobile telephone" shall mean a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a function of such telephone.
- (f) "Engage in a call" shall mean talking into or listening on a hand-held mobile telephone, but shall not include holding a mobile telephone to activate, deactivate or initiate a function of such telephone.
- (g) "Immediate proximity" shall mean that distance as permits the operator of a mobile telephone to hear telecommunications transmitted over such mobile telephone, but shall not require physical contact with such operator's ear.

2. (a) Except as otherwise provided in this section, no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion. (b) An operator of a motor vehicle who holds a mobile telephone to, or in the immediate proximity of his or her ear while such vehicle is in motion is presumed to be engaging in a call within the meaning of this section. The presumption established by this subdivision is rebuttable by evidence tending to show that the operator was not engaged in a call. (c) The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a mobile telephone, unless otherwise provided by law.

3. Subdivision two of this section shall not apply to (a) the use of a mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, physician's office or health clinic; an ambulance company or corps; a fire department, district or company; or a police department, (b) any of the following persons while in the performance of their official duties: a police officer or peace officer; a member of a fire department, district or company; or the operator of an authorized emergency vehicle as defined in section one hundred one of this chapter, or (c) the use of a hands-free mobile telephone.

4. A violation of subdivision two of this section shall be a traffic infraction and shall be punishable by a fine of not more than one hundred dollars.

[Cell Phones](#)



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