

Cellphone laws

January 2011

A jurisdiction-wide ban on driving while talking on a hand-held cellphone is in place in 9 states (California, Connecticut, Delaware, Maryland, New Jersey, New York, Oregon, Utah, and Washington) and the District of Columbia. Utah has named the offense careless driving. Under the Utah law, no one commits an offense when speaking on a cellphone unless they are also committing some other moving violation other than speeding.

Local jurisdictions may or may not need specific state statutory authority to ban cellphones or text messaging. Several of the many localities that have enacted restrictions on cellphone use include: Oahu, HI; Chicago, IL; Brookline, MA; Detroit, MI; Santa Fe, NM; Brooklyn, North Olmstead, and Walton Hills, OH; Conshohocken, Lebanon, and West Conshohocken, PA; Waupaca County, WI; and Cheyenne, WY.

The use of all cellphones while driving a school bus is prohibited in 19 states and the District of Columbia.

The use of all cellphones by novice drivers is restricted in 28 states and the District of Columbia.

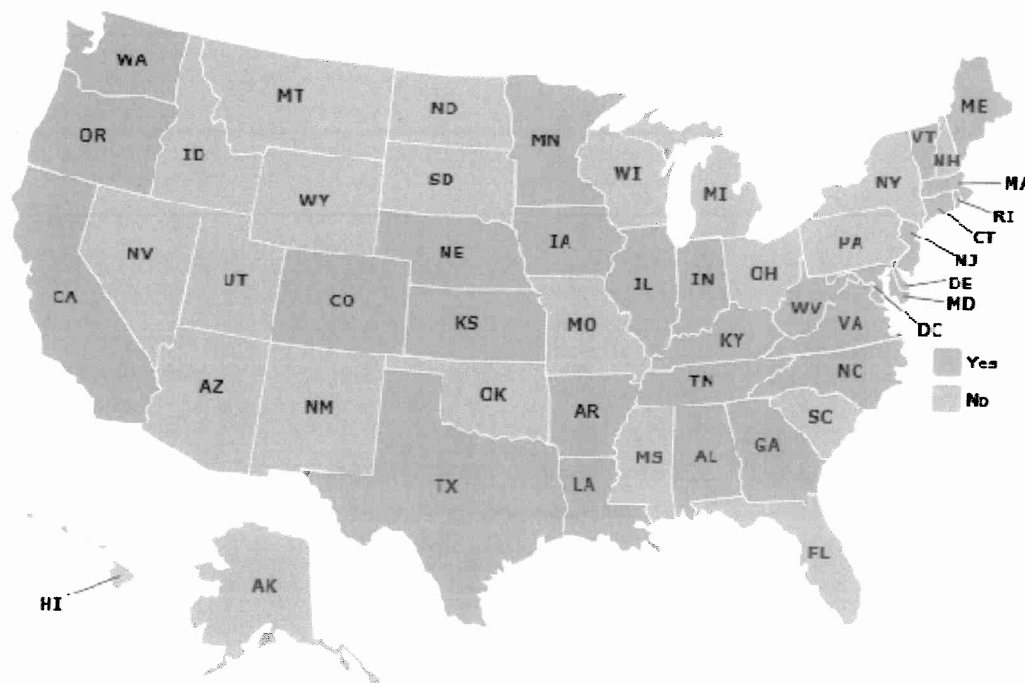
Text messaging is banned for all drivers in 30 states and the District of Columbia. In addition, novice drivers are banned from texting in 8 states (Alabama, Indiana, Maine, Mississippi, Missouri, Oklahoma, Texas, and West Virginia) and school bus drivers are banned from text messaging in 2 states (Oklahoma and Texas).

The table below shows the states that have cellphone laws, whether they specifically ban text messaging, and whether they are enforced as primary or secondary laws. Under secondary laws, an officer must have some other reason to stop a vehicle before citing a driver for using a cellphone. Laws without this restriction are called primary.

Table Map: hand-held bans Map: young driver bans Map: bus driver bans Map: texting bans

Map of bans specific to young drivers and all cellphones

(hover over the map for more detail)



¹In Louisiana, all learner's permit holders, irrespective of age, and all intermediate license holders are prohibited from driving while using a hand-held cellphone and all drivers younger than 18 are prohibited from using any cellphone. Effective April 1, 2010 all drivers, irrespective of age, issued a first driver's license will be prohibited from using a cellphone for one year. The cellphone ban is secondary for novice drivers age 18 and older.

²In Oklahoma, learner's permit and intermediate license holders are banned from using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes.



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Cell Phone Use and Texting While Driving Laws

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STATES	HAND-HELD BAN	ALL CELL PHONE BAN	TEXTING BAN	ENFORCEMENT	CRASH DATA COLLECTION
Alabama	No	No	No	Not applicable	
Alaska	No	No	All drivers	Primary	Yes
Arizona	No	School bus drivers	No	Primary	
Arkansas	No	School bus drivers, drivers younger than 18	School bus drivers, all drivers	Primary for texting by all drivers and cell phone use by school bus drivers; secondary for cell phone use by young drivers	Yes
California	All drivers	School and transit bus drivers and drivers younger than 18	All drivers	Primary	Yes
Colorado	No	Drivers younger than 18	All drivers	Primary	Yes
Connecticut	All drivers	Learner's permit holders, drivers younger than 18, and school bus drivers	All drivers	Primary	
Delaware	All drivers (effective 01/02/11)	Learner's permit and intermediate license holders and school bus drivers	All drivers (effective 01/02/11)	Primary	Yes
District of Columbia	All drivers	School bus drivers and learner's permit holders	All drivers	Primary	Yes
Florida	No	No	No	Not applicable	Yes
Georgia	Drivers younger than 18 (effective 07/01/10)	School bus drivers	All drivers (effective 07/01/10)	Primary	Yes
Hawaii	No	No	No	Not applicable	
Idaho	No	No	No	Not applicable	Yes***
Illinois	Drivers in construction	Learner's permit holders, younger than		Primary	Yes

		and school speed zones	19, drivers younger than 19, and school bus drivers			
Indiana	No		Drivers under the age of 18.	Drivers under the age of 18.	Primary	Yes
Iowa	No		Learner's permit and intermediate license holders	All drivers	Secondary	Yes
Kansas	No		Learner's permit and intermediate license holders	All drivers (effective 07/01/10)	Primary	Yes
Kentucky	No		Drivers younger than 18 (effective 07/13/10), School Bus Drivers.	All drivers (effective 07/13/10)	Primary (effective 07/13/10)	Yes
Louisiana	No		School bus drivers, learner's permit and intermediate license holders, drivers under age 18	All drivers	Primary	Yes
Maine**	No		Learner's permit and intermediate license holders	Learner's permit and intermediate license holders	Primary	Yes
Maryland	All drivers (effective 10/01/10), School Bus Drivers.		Learner's permit and intermediate license holders	All drivers	Primary for texting	Yes
Massachusetts	Local option		School bus drivers, passenger bus drivers, drivers younger than 18 (effective 09/30/10)	All drivers (effective 09/30/10)	Primary	Yes
Michigan	Local option	No		All drivers (effective 07/01/10)	Primary (effective 07/01/10)	Yes
Minnesota	No		School bus drivers, learner's permit holders, and provisional license holders during the first 12 months after licensing	All drivers	Primary	Yes
Mississippi	No	No		Learner's permit holders and intermediate license holders	Primary	Yes
Missouri	No	No		Drivers 21 years of age or younger	Primary	
Montana	No	No		No	Not applicable	Yes
Nebraska	No		Learner's permit and intermediate license	Learner's permit and intermediate license holders younger than 18	Secondary	Yes

		holders younger than 18	All drivers		
Nevada	No	No	No	Not applicable	Yes
New Hampshire	No	No	All drivers	Primary	
New Jersey	All drivers	School bus drivers, and learner's permit and intermediate license holders	All drivers	Primary	Yes
New Mexico	Local option	No	No	Not applicable	Yes
New York	All drivers	No	All drivers	Secondary	Yes
North Carolina	No	Drivers younger than 18 and school bus drivers	All drivers	Primary	
North Dakota	No	No	No	Not applicable	Yes
Ohio	Local option	No	No	Not applicable	
Oklahoma	Learner's permit and intermediate license holders, school bus drivers and public transit drivers (effective 11/01/10)	School Bus Drivers and Public Transit Drivers (effective 11/01/10).	Learner's permit holders, intermediate license holders, school bus drivers and public transit drivers (effective 11/01/10)	Primary	Yes
Oregon	All drivers	Drivers younger than 18	All drivers	Primary	Yes
Pennsylvania	Local option	No	No	Not applicable	Yes
Rhode Island	No	School bus drivers and drivers younger than 18	All drivers	Primary	Yes
South Carolina	No	No	No	Not applicable	Yes***
South Dakota	No	No	No	Not applicable	Yes
Tennessee	No	School bus drivers, and learner's permit and intermediate license holders	All drivers	Primary	Yes
Texas	Drivers in school crossing zones	Bus drivers when a passenger 17 and younger is present; intermediate license holders for first 12 months	Bus drivers when a passenger 17 and younger is present; intermediate license holders for first 12 months, drivers in school crossing zones	Primary	Yes
Utah	See footnote*	No	All drivers	Primary for texting; secondary for talking on hand-held phone	Yes

Vermont	No	Drivers younger than 18 shall not use any portable electronic device while driving.	All drivers	Primary	
Virgin Islands	Yes				Yes
Virginia	No	Drivers younger than 18 and school bus drivers	All drivers	Secondary; primary for school bus drivers	Yes
Washington	All drivers	No	All drivers	Primary	Yes
West Virginia	No	Drivers younger than 18 who hold either a learner's permit or an intermediate license	Drivers younger than 18 who hold either a learner's permit or an intermediate license	Primary	
Wisconsin	No	No	All drivers (effective 12/01/10)	Primary (effective 12/01/10)	
Wyoming	No	No	All drivers	Primary	Yes
Total	All drivers: 8 states and District of Columbia.	School Bus drivers: 18 states and District of Columbia. Teen drivers: 28 states and District of Columbia.	All Drivers: 30 states and District of Columbia.	Primary for all drivers texting: 27.	36 and U.S. Virgin Islands and District of Columbia.

**Source: AAA, Insurance Institute for Highway Safety, NCSL 2010.
Governor's Highway Safety Association**

* Utah considers speaking on a cell phone, without a hands-free device, to be an offense only if a driver is also committing some other moving violation (other than speeding).

** Maine has a law that makes driving while distracted a traffic infraction. 29-A M.R.S.A. Sec. 2117.

*** Listed as a part of contributing factors

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It's high time to ban use of cell phones while driving

PAUL JENKINS
COMMENT

(02/12/11 17:10:49)

A power outage knocked out the traffic light at a busy downtown intersection, turning it automatically into a four-way stop, and rush-hour traffic was stacking up.

Inching the motorcycle into the intersection, I sensed something moving to my left and braked. A woman yakking on a cell phone blew by me at speed in a huge SUV, missing me by inches. She never looked. She never slowed down.

Until that second, I was ambivalent about people using cell phones while driving. Oh, people need them, I thought. Mostly, it was none of my business. No more. People who drive and talk on cell phones may be the nicest people in the world, but they are, nonetheless, killers -- yeah, killers -- just looking for a place to happen.

They think they are great drivers. Most are not. A University of Utah study concludes only about 2.5 percent of us can simultaneously talk on a cell phone -- even a hands-free phone -- and drive safely. For most, performance suffers. Braking time increases by 20 percent. Following distances increase by nearly a third. "The deterioration in performance was comparable to the impairment seen in drunken drivers," the study's authors conclude.

The study says cell phone- distracted drivers kill at least 2,600 people and injure 330,000 every year in this nation -- and distracted drivers are worse than drunken drivers with blood-alcohol levels above 0.08.

A Virginia Tech Transportation Institute study in 2009 showed that even dialing a cell phone while driving increases the risk of a crash by 2.8 times; talking on a cell phone while driving, 1.3 times; and, reaching for a cell phone, 1.4 times.

Alaska is behind the national curve. At least nine states and Washington, D.C., already bar drivers from using handheld cell phones while behind the wheel. Novice drivers in 28 states -- not including Alaska -- and Washington, D.C., cannot use cell phones while driving.

It is estimated that of the 80 million or so cell phone users in the United States, more than 800,000 of them are texting -- a no-no in Alaska and 30 other states -- or using a handheld cell phone every day to talk while driving. That should terrify us all.

Five Alaska House members are giving the stink eye to cell phone use while driving. The proverbial snowball has a better chance. Using the devices while driving has a huge constituency. The arguments against banning them are legion -- and often silly. It's a government intrusion, proponents claim, or a socialist plot. It's needed for work. Don't punish me for a wreck I have not had, they say. I need to check on the kids. I can talk on the phone and drive. It goes on ad infinitum.

Cathy Munoz, R-Juneau, and Bob Herron, D-Bethel, joined in House Bill 22 to ban cell phone use while driving, but exempt hands-free cell use.

Anchorage Democrat Berta Gardner, in House Bill 128, would ban cell phone use by drivers younger than 18. A Pew Research study found that 40 percent of teen-agers interviewed said they were in a car when the driver used a cell phone in a way that endangered themselves or others.

Max Gruenberg, D-Anchorage, in House Bill 68, would ban cell use while driving but also exempt hands-free. Anchorage Democrat Mike Doogan, in House Bill 35, would flatly ban all cell phone use while driving.

They are on the right track. Like it or not, driving on our highways is a privilege. The state gets to set the rules. It is not safe to drink and drive -- even though we all know people who can pull it off -- and it is not allowed. It is not safe to drive backwards down the Seward Highway with your lights out at night just because you may think you can -- and it is not allowed. Highway safety rules generally are designed to keep us from killing ourselves or somebody else. They are, for most of us, supposed to help protect us from jerks.

A ban on handheld cell phone use while driving is reasonable while waiting for more research on hands-free phones. Surely, if we need to find out what's for dinner or how the kids are, we can simply pull over or, for now, use a hands-free phone.

You need only feel wind from a speeding SUV in an intersection to get my point.

Paul Jenkins is editor of the AnchorageDailyPlanet.com.

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Making our World Safer

February 14, 2011

Representative Berta Gardner
State Capitol Building
Room 424
Juneau, AK 99801

Dear Representative Gardner,

The National Safety Council is pleased to express support for HB 128, legislation that would prohibit drivers under age 18 from using a cell phone behind the wheel. This law will go a long way in protecting young, inexperienced drivers – and others on Alaska's roadways – from preventable crashes.

For teens, using cell phones while driving presents a deadly combination of driving inexperience and high risk behavior. Motor vehicle crashes are the number one killer of teens, and inexperience is a leading factor in teen crashes. Learning to drive safely is an important skill that requires maximum focus. Cell phone use while driving is a high risk act for any driver, but it is particularly dangerous for inexperienced drivers.

Enacting this law would bring Alaska in line with 28 other states who have this law already. While HB 128 would be a secondary law, HB 128 still helps protect Alaskans from the dangerous effects of novice drivers distracted by cell phones. We support you in passage of this bill and will be pleased to express our support to other Alaska legislators.

Sincerely,

Janet Froetscher
President & CEO

Janet Froetscher, President & CEO

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VIA HAND DELIVERY

February 16, 2011

The Honorable Berta Gardner
Alaska House of Representatives
State Capitol, Room 424
Juneau, Alaska 99801-1182

Re: State Farm Support for HB 128 - Ban on Cell Phone Use by Minors While Driving

Dear Representative Gardner:

State Farm strongly supports a ban on cell phone use by minors while driving. There is no doubt this bill will in fact immediately begin to save lives and prevent injuries. Drivers between the ages 16 - 19 are four times more likely to be involved in a crash as other drivers. One in five of all auto deaths is attributed to teen driving. The leading causes of teen accidents include inexperience and distraction. A recent Research Report by the Children's Hospital of Philadelphia and State Farm determined that 9 out of 10 teenagers reported teen use of cell phones while driving was common, and 7 out of 10 said they have observed teens driving while being emotionally upset using a cell phone. That same survey indicated legal prohibitions and restrictions were the top motivations teens said would keep them from using a cell phone while driving.

As the insurance industry representative on the Alaska Highway Safety Improvement Program, State Farm thanks you for sponsoring this bill. Through an alliance with Children's Hospital of Philadelphia, State Farm has access to a wealth of information and resources should you or other members of the Legislature desire. If we can provide you any information or assistance, please let me know.

Sincerely,



Sheldon E. Winters

Lobbyist for State Farm Insurance Companies

SFW:lg

Gardner 02 to 11 letter of support.sfw