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**National Highway  
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Administration**



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# **Digest of Distracted Driving Laws**

**First Edition  
Current as of June 1, 2012**

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## INTRODUCTION

The National Highway Traffic Safety Administration is responsible for reducing vehicle-related fatalities and injuries on our Nation's highways. This digest reports the status of State laws that are concerned with distracted driving offenses. Distracted driving is any non-driving activity a person engages in while operating a motor vehicle. Such activities have the potential to distract the person from the primary task of safe driving and increase the risk of crashing. Of special concern is the use of electronic entertainment and communication devices, particularly cell phones. This digest contains comprehensive information on critical distracted driving laws for all 50 States, the District of Columbia, and Puerto Rico.

*The Digest of Distracted Driving Laws* is designed to be an easily accessible reference to all States' current distracted driving laws and is compiled in a consistent format to make research simpler. The document provides a summary chart of the key provisions of State distracted driving laws and a detailed list of these laws for every State, including statutory references. Each State entry includes:

- Restrictions on the Use of Electronic/Mobile Devices
- Restrictions on Text Messaging
- Other Prohibited Distractions
- Restrictions on Novice Drivers
- Summary of Legislative History

## DESCRIPTIONS AND DEFINITIONS

### Restrictions on the Use of Electronic/Mobile Devices

Many States have laws which restrict drivers' use of electronic mobile devices. These devices include cell phones, smartphones, GPS navigation systems, CD players, and mp3 players.

### Restrictions on Text Messaging

In several states, text messaging while driving is prohibited outside of other electronic mobile device restrictions.

### Other Prohibited Distractions

In some States, additional distractions to the driver are specifically prohibited. These specified distractions include viewing television screens, reading, writing, and wearing a headset. In some States, legislation utilizes general language prohibiting activities that are not directly related to operation of the motor vehicle that interfere with safe driving.

### Restrictions on Novice Drivers

In some States there are distinct restrictions on the use of electronic/mobile devices and/or texting for novice or teen drivers.

### Summary of Legislative History

This section briefly summarizes the history of distracted driving legislation in the State.

## **OVERVIEW OF DISTRACTED DRIVING LEGISLATION**

During the 1990s, mobile cellular phone use dramatically increased across the country. States began enacting laws aimed to limit highway distraction due largely to an increased number of accidents in which cell phone use was a factor. Current State legislation addresses various types of distractions, include talking on a cell phone, texting, eating, drinking, talking to passengers, grooming, reading, viewing maps, using a navigation system, watching a television screen, listening to headphones, and adjusting a radio or other audio system.

State legislation across the country currently varies dramatically. Some States prohibit distracted driving in general while some prohibit only specific distracted driving behaviors. In some States distracted driving is a primary offense, in others a secondary offense, while others still have no laws pertaining to distracted driving.

Because distraction laws are relatively new, the legislative landscape is rapidly evolving. Unless otherwise indicated, the status of the laws reported in this digest is February 1, 2012.

## **ELECTRONIC/MOBILE DEVICES**

State laws pertaining specifically to mobile electronic devices followed the spring of new technologies available to consumers. The reduced size, reduced cost, and increased functionality of cell phones over the last decades have revolutionized mobile communication and convenience. GPS technology guides drivers to their destinations with more ease than previous generations of drivers could have ever imagined. Mp3 and CD players enable listeners to flip through their favorite tunes with the push of a button. With these conveniences, drivers can be easily distracted. A heated cell phone call, a text message, a GPS search, or a song search each diverts a driver's attention from the road, thereby endangering oneself as well as others in the vicinity.

## **TEXT MESSAGING**

Because text messaging requires visual, manual, and cognitive attention from the driver, it is one of the most alarming distractions. Studies have found that sending or reading a text takes one's eyes off the road for an average of 4.6 seconds, which, at 55 miles per hour, is equivalent to driving the length of a football field blindfolded.<sup>1,2</sup> Yet, in spite of the dangers, most Americans admit to checking their text messages while behind the wheel.

Many States have separate sanctions for texting, apart from other distracted driving offenses.

## **NOVICE DRIVERS**

Traffic crashes are a leading cause of death for American teens. It is important that inexperienced drivers, who are developing a skill they will use throughout their lives, devote their complete attention to the road. Many States to restrict their use of cell phones while driving.

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<sup>1</sup> Olson, Rebecca L., Hanowski, Richard J., Hickman, Jeffery S., Bocanegra, Joseph. "Driver Distraction in Commercial Vehicle Operations." US DOT, Federal Motor Carrier Safety Administration. September 2009.

<sup>2</sup> Ray LaHood, "Distracted Driving: A Deadly Epidemic." Huffington Post. April 29, 2010.

## Summary Chart of Distracted Driving Laws

(Current as of June 1, 2012)

Note: All laws are primary enforcement unless otherwise noted as secondary.\*

State	Handheld Cell Phone Bans						Texting Bans		
	Drivers	Teen Drivers (Age) <sup>3</sup>	Specific Zones	All	Penalty for 1st Violation Teens	SB Drivers	Drivers	Penalty for 1st Violation	Penalty for Teens (if different)
Alabama		16-17 (Secondary)			Restricted licenses: 6 months more		All	\$25; 2 points	
Alaska							All	Up to 1 year and/or \$10,000	
Arizona	School bus drivers					None listed			
Arkansas	School bus drivers	< 18-20 (Secondary)	School & work zones		Warning	\$100-\$250	All	Unspecified fine	
California	All	< 18		\$20	\$20	\$20	All	\$20	
Colorado		< 18			\$50		All	\$50	
Connecticut	All	< 18		\$125	\$125	\$125	All	\$125	
Delaware	All	Not specified		\$50	\$50; 1 month suspension	\$50-\$100	All	\$50	
District of Columbia	All	Not specified		\$100 (may be suspended)	\$100 (may be suspended)	\$100 (may be suspended)	All	\$100 (may be suspended)	
Florida									
Georgia	School bus drivers	< 18			\$150; 1 point	\$150; 1 point	All	\$150; 1 point	

<sup>3</sup> The digest references "Novice Drivers" which includes drivers who hold certain types of provisional or temporary licenses/permits regardless of age. Where "Not specified" is listed, please refer to the full digest for complete information.

## Summary Chart of Distracted Driving Laws

State	Handheld Cell Phone Bans						Texting Bans		
	Drivers	Teen Drivers (Age) <sup>3</sup>	Specific Zones	All	Penalty for 1st Violation Teens	SB Drivers	Drivers	Penalty for 1st Violation	Penalty for Teens (if different)
Hawai'i <sup>4</sup>							All Counties		
Idaho							All	\$85	
Illinois	School bus drivers	< 19	School zone		None listed	\$100-\$250	All	Up to \$1000	
Indiana		< 18			Up to \$500		All	Up to \$500	
Iowa		Not specified			\$50		All (Secondary)	\$30	
Kansas		Not specified			Up to \$250; 30 days suspension		All	\$60	
Kentucky	School bus drivers	< 18			\$25	\$25	All	\$25	
Louisiana	School bus drivers	< 17 <sup>5</sup>			Up to \$100	Up to 90 days and/or \$500	All	Up to \$175	
Maine		< 18			Not less than \$50		All	Not less than \$100	
Maryland	All (Secondary)	< 18 (S)		Up to \$40	Up to \$40	Up to \$40	All	Up to \$500	
Massachusetts	School bus and public transit drivers	< 18			\$100	\$500	All	\$100	
Michigan							All	\$100	

<sup>4</sup> Hawaii does not have a Statewide ban, however, all of the state's counties have enacted distracted driving ordinances.

<sup>5</sup> Three levels of novice drivers are defined by the statute; specifications and sanctions vary according to these definitions.

## Summary Chart of Distracted Driving Laws

State	Handheld Cell Phone Bans						Texting Bans		
	Drivers	Teen Drivers (Age) <sup>3</sup>	Specific Zones	All	Teens	SB Drivers	Drivers	Penalty for 1st Violation	Penalty for Teens (if different)
Minnesota	School bus drivers	Not specified			Up to \$300	No more than \$300	All	Up to \$300	
Mississippi	Bus drivers					Up to \$500	Bus drivers; novice drivers	Up to \$500	
Missouri							Drivers < 21	Up to \$200; 2 points	
Montana									
Nebraska		Not specified (Secondary)			\$200; 3 points		All (Secondary)	\$200; 3 points	
Nevada	All		Work/ construction zones	\$50			All	\$50	
New Hampshire							All	\$100	
New Jersey	All	Not specified		\$100	\$100	Not less than \$250 or more than \$500	All	\$100	
New Mexico	Driving instructors; State vehicle drivers	Driving Students			License revocation or suspension		Driving instructors; State vehicle drivers	License revocation or suspension	
New York	All			Up to \$100			All	Up to \$150; 3 points	
North Carolina	School bus drivers	< 18			\$25	Not less than \$100	All	\$100 and court costs	

## Summary Chart of Distracted Driving Laws

State	Handheld Cell Phone Bans						Texting Bans		
	Drivers	Teen Drivers (Age) <sup>3</sup>	Specific Zones	All	Penalty for 1st Violation Teens	SB Drivers	Drivers	Penalty for 1st Violation	Penalty for Teens (if different)
North Dakota		At least 16			\$100		All	\$100	
Ohio		< 18					Adults (Secondary) < 18 Primary	Up to \$150	\$300 for multiple offenses; 60-day license suspension
Oklahoma	Public transit drivers	< 18			\$100; license may be suspended or cancelled		Public transit drivers; novice drivers	\$500	
Oregon	All	< 18		Up to \$250	Up to \$250		All	Up to \$250	
Pennsylvania							All	\$50	
Puerto Rico									
Rhode Island	School bus drivers	< 18			\$50	\$50	All	\$85	
South Carolina									
South Dakota									
Tennessee	School bus drivers	Not specified			\$50; license restriction for additional 90 days	\$50	All	Up to \$50 and court costs Up to \$10	
Texas	Bus drivers	< 18	School zones	Not less than \$1 or more than \$200	Not less than \$1 or more than \$200		Bus drivers; in school zones; novice drivers	Not more than \$200	

## Summary Chart of Distracted Driving Laws

State	Handheld Cell Phone Bans						Texting Bans		
	Drivers	Teen Drivers (Age) <sup>3</sup>	Specific Zones	All	Penalty for 1st Violation Teens	SB Drivers	Drivers	Penalty for 1st Violation	Penalty for Teens (if different)
Utah							All	Up to 90 days and/or \$750	
Vermont		< 18			Up to \$1000; 30-day recall of permit/license		All	\$100; 2 points	
Virginia	School bus drivers	Not specified (Secondary)			Up to \$250	Up to \$250	All (Secondary)	\$20	
Washington	All	Not specified		Up to \$250	Up to \$250		All	Up to \$250	
West Virginia	All (Secondary)	< 18		None listed	\$25	None listed	All	\$100	
Wisconsin							All	Not less than \$20 or more than \$400; 4 points	
Wyoming							All	Up to \$75	

\*Note: A secondary law mean that a police officer can issue a citation only if a driver has been stopped for another violation (like speeding).

STATE

ALABAMA

General Reference:

Code of Alabama

**Electronic/Mobile Devices**

N/A

**Definition:****Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes**

Law Applies to All Drivers:

**No** – Law applies to novice drivers only.**Restrictions on “Texting”:**

“Texting” Law:

**Yes**

Enactment Date:

05/08/2012

Effective Date:

08/01/2012

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

First offense - \$25;Second offense - \$50;Third or subsequent offense - \$75.

Administrative Sanctions:

Two points against the driver’s license.

Exceptions:

Other Information:

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - A person who is issued a regular driver’s license who is age 17 and has been licensed for less than 6 months, or who is age 16, shall not operate any handheld communication device that is not essential to the vehicle, while operating such vehicle. AL ST § 32-6-7.2(c)(3).

Enactment Date:

April 17, 2002

Most Recent Effective Date:

July 1, 2010

Sanctions:

Primary/Secondary Offense:

**Secondary**

Criminal Sanctions (Fine/Jail):

**Traffic Violation** – no criminal penalties or court costs shall be imposed.

Administrative Sanctions:

First violation – restricted license extended an additional 6 months;Second violation – 60 days and restricted license suspension an additional 6 months or until age 18. AL ST § 32-6-7.2(c)(3).

Exceptions:

Teens age 16 who are married or heads of a household; who have otherwise been legally emancipated; or who are age 18 or over.

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No television viewer, screen, or other means of visually receiving a television broadcast shall be located in a motor vehicle at any point forward of the back of the driver’s seat or in any manner so that the driver of the vehicle can see it while in actual control of the vehicle. AL ST § 32-5-219.

Enactment Date:

Unknown

Effective Date:

Unknown

Sanctions:

Primary/Secondary Offense: **Primary**  
Criminal Sanctions (Fine/Jail): **Misdemeanor:**  
First offense – a fine of not more than **\$100** or imprisonment for not more than **10 days**;  
Second offense (within 1 year) – a fine of not more than **\$200** and/or imprisonment for not more than **30 days**;  
Third or subsequent offense (within 1 year) – a fine of not more than **\$500** and/or imprisonment for not more than **3 months**.  
AL ST § 32-5A-8.

**Summary of Legislative History:** The restriction on novice drivers went into effect on July 1, 2010.

STATE

General Reference:

**Electronic/Mobile Devices  
Definition:**

ALASKA

Alaska Statutes

N/A

**Restrictions on the Use of  
Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**No****Restrictions on “Texting”:**

“Texting” Law:

**Yes** - A person shall not drive a motor vehicle with a screen device operating. AK ST § 28.35.161

Law Applies to All Drivers:

**Yes**

Enactment Date:

September 2008

Effective Date:

September 18, 2009

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Class A Misdemeanor** - Not more than **1 year** and/or not more than **\$10,000**. AK ST § 12.55.035; AK ST § 12.55.135

Exceptions:

Equipment, including portable cellular telephones or personal data assistants used for verbal communication or displaying caller identification information. Additionally any equipment displaying only audio equipment information, vehicle information, navigations or maps, or any equipment which enhances or supplements the driver’s view. Emergency vehicles are excluded from this provision. Judges are divided whether this provision includes “texting”. A new bill is being drafted to specifically include text messaging.

Other Information:

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**No** – There are no laws specifically addressing novice drivers.**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - A person shall not drive a motor vehicle with a screen device operating. AK ST § 28.35.161.

Enactment Date:

September 2008

Effective Date:

September 18, 2009

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Class A Misdemeanor:** Not more than **1 year** and/or not more than **\$10,000**. AK ST § 12.55.035; AK ST § 12.55.135.

Exceptions:

Equipment, including portable cellular telephones or personal data assistants used for verbal communication or displaying caller identification information. Additionally any equipment displaying only audio equipment information, vehicle information, navigations or maps, or any equipment which enhances or supplements the driver’s view. Emergency vehicles are excluded from this provision.

STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Original Enactment Date:

Date of Last Action:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**ARIZONA**

Arizona Revised Statutes Annotated; Arizona Administrative Code

N/A

**Yes****No****Yes - School bus drivers** – A school bus driver shall not use Bluetooth devices, cellular phones, personal digital assistants or other interactive wireless devices, whether or not hands-free, when the school bus is in operation. AZ ADC R17-9-104(D)(28).

February 16, 1996

May 8, 2008

May 8, 2008

None listed

**Primary**

N/A

N/A

Two-way voice communication devices used only to assist the school bus driver with passenger transportation are permitted. AZ ADC R17-9-104(D)(27)

**Restrictions on “Texting”:**

“Texting” Law:

**No****Restrictions on Novice Drivers:**

Novice Driver Law(s):

**No****Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - A person shall not view a broadcast television image or a visual image from an image display device while that person is driving a motor vehicle and the motor vehicle is in motion on a public roadway or on an off-highway vehicle trail. A person shall not operate a motor vehicle with an image display device that is visible to a driver seated in a normal driving position when the vehicle is in motion. AZ ST § 28-963.

Enactment Date:

April 23, 2010

Effective Date:

April 26, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Civil Penalty** – not to exceed **\$250**. AZ ST § 28-1598.

Administrative Sanctions:

N/A

Exceptions:

Emergency vehicle are permitted. Image display devices that provide navigation, traffic, road or weather information, vehicle information, enhance the driver’s view or ability to monitor occupants, display information intended to enhance safety, or in public service vehicles used for maintenance and service of facilities are permitted. AZ ST § 28-963.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of****Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

Other Information:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

## ARKANSAS

Arkansas Code Annotated

Cellular telephone – a wireless two-way communication device that requires the operator to dial numbers manually. AR ST § 6-19-120(a).Handheld wireless telephone – a wireless interactive communication device with which a user engages in wireless interactive communication using at least one hand.**Yes****No****Yes - School bus drivers** – A person shall not operate a school bus while using a cellular telephone. AR ST § 6-19-120(b).

February 26, 2009

July 31, 2009

**Primary****Violation** – A fine of not less than **\$100** or more than **\$250**.

AR ST § 6-19-120.

N/A

School bus drivers may use a cellular telephone in an emergency situation, to call for assistance during a mechanical breakdown or other mechanical problem with the bus, or when the bus is parked. AR ST § 6-19-120(c).

Handheld wireless telephone use is prohibited in highway work zones and in school zones during school hours when children are present. AR ST § 27-51-1610; AR ST § 27-51-1609

**Yes****Yes**

February 18, 2009

July 31, 2009

**Primary**First conviction – A fine;Second conviction (within 6 months) – A fine that may not exceed double the fine imposed for the first conviction. AR ST § 27-51-102.**All drivers:**Second conviction (within 6 months) – revocation 60 days;Third or subsequent conviction (within 6 months) revocation 6 months. AR ST § 27-51-102.**Commercial drivers:**Second conviction (within 3 years) – disqualification 60 days;Third or subsequent conviction (within 3 years) - disqualification 120 days. AR ST § 27-23-112**Commercial drivers** – Texting while driving is permissible when necessary to communicate with a law enforcement office or other emergency service. AR ST § 27-23-130(b)(2).

Other Information: A driver of a commercial vehicle shall not engage in texting while driving. AR ST § 27-23-130(b)(1).

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - A novice driver shall not use a cellular telephone device or other interactive wireless communication device while operating a motor vehicle. AR ST § 27-16-804(b)(2)(B), (f)(4), (g)(1)(D).

A driver under the age of 18 shall not use a wireless telephone for wireless interactive communication while operating a vehicle. AR ST § 27-51-1603.

A driver between the ages of 18-20 shall not use a handheld wireless telephone for wireless interactive communication while operating a vehicle. AR ST § 27-51-1604.

Enactment Date:

February 26, 2009

Effective Date:

July 31, 2009

Sanctions:

Primary/Secondary Offense:

**Secondary**

Criminal Sanctions (Fine/Jail):

**Violation** – Warning (first offense); \$50 fine for second or subsequent offense

Exceptions:

Novice drivers may use a cellular telephone or other similar device for an emergency purpose when the driver fears for his/her life, safety or property, or is reporting an emergency or crime. AR ST § 27-16-804(b)(2)(B), (f)(4), (g)(1)(D).

**Other Prohibited Distractions:**

Other Distractions Law:

**No**

**Summary of Legislative History:**

In 2009, the “Fewer Distractions Means Safer Driving Act” and “Paul’s Law: To Prohibit Drivers of Motor Vehicles from Using Handheld Wireless Telephones to Engage in Text Messaging” went into effect. However, cell phone use by school bus drivers has been prohibited since 2003.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**Restrictions on the Use of**

**Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Original Enactment Date

Date of Last Action:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**Restrictions on Novice Drivers:**

CALIFORNIA

West’s Annotated California Codes

N/A

**Yes** - A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically configured and designed to allow hand-free listening and talking. CA Vehicle § 23123.

**Yes**

**Yes - Bus drivers** – A person may not drive a school bus or transit bus while using a wireless telephone. CA Vehicle § 23125(a).

September 15, 2006

July 1, 2011

July 1, 2011

**Primary**

**Infraction:**

First offense – A fine of **\$20**;

Second or subsequent offense – A fine of **\$50**;

CA Vehicle § 23123(b).

No points are assigned for this violation.

This does not apply to a person using a wireless telephone for emergency purposes, or to emergency services professionals during the course and scope of duties, or to anyone driving a motor vehicle on private property. CA Vehicle § 23123(c), (d), (f).

Bus drivers may use a wireless telephone for work-related purposes or for emergency purposes. CA Vehicle § 23125(b).

**Yes** - A person shall not drive a motor vehicle while using an electronic wireless communications device to write, send or read a text-based communication. CA Vehicle § 23123.5.

**Yes**

September 24, 2008

July 1, 2009

**Primary**

**Infraction:**

First offense – A fine of **\$20**;

Second or subsequent offense – A fine of **\$50**;

CA Vehicle § 23123.5(d)

No points are assigned for this violation.

This does not apply to emergency services professionals while operating an authorized emergency vehicle in the course and scope of duties. CA Vehicle § 23123.5(e).

Novice Driver Law(s): **Yes** - A person under the age of 18 shall not drive a motor vehicle while using a wireless telephone, or a mobile service device.  
CA Vehicle § 23124(b).

Enactment Date: September 24, 2008

Effective Date: July 1, 2009

Sanctions:

Primary/Secondary Offense: **Secondary**

Criminal Sanctions (Fine/Jail): **Infraction:**  
First offense – A fine of **\$20**;  
Second or subsequent offense – A fine of **\$50**;  
CA Vehicle § 23123.5(d)

Administrative Sanctions: No points are assigned for this violation.

Exceptions: N/A

Other Information: “Mobile service device” includes, but is not limited to, a broadband personal communication device, specialized mobile radio device, handheld device or laptop computer with mobile data access, pager, and two-way messaging device. CA Vehicle § 23124(g).

**Other Prohibited Distractions:**

Other Distractions Law: **Yes** - A person shall not drive a motor vehicle if a television receiver, a video monitor, or a television or video screen, or any other similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications, is operating and is located in the motor vehicle at a point forward of the back of the driver’s seat, or is operating and the monitor, screen, or display is visible to the driver while driving the motor vehicle.  
CA Vehicle § 27602.

Enactment Date: September 27, 2010

Effective Date: January 1, 2011

Sanctions:

Primary/Secondary Offense: **Primary**

Criminal Sanctions (Fine/Jail): First infraction – a fine not exceeding **\$100**;  
Second infraction (within 1 year) – a fine not exceeding **\$200**;  
Third or subsequent infraction (within 1 year) – a fine not exceeding **\$250**. CA Vehicle § 42001

Exceptions: Emergency vehicle are permitted. Image display devices that provide navigation, traffic, road or weather information, vehicle information, enhance the driver’s view or ability to monitor occupants, display information intended to enhance safety, or image display devices present in public service vehicles used for maintenance and service of facilities are permitted.  
CA Vehicle § 27602.

**Summary of Legislative History:**

The wireless telephone law was filed with the Secretary of State on September 15, 2006. It was updated in 2008, and again in 2011, with the most current version becoming effective on July 1, 2011.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

Other Information:

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

Other Information:

**COLORADO**

Colorado Revised Statutes

“Wireless telephone” means a telephone that operates without a physical, wireline connection to the provider’s equipment, and includes cellular and mobile telephones. CO ST § 42-4-239(1)(d).

**Yes**

**No** – Law applies to novice drivers only.

**Yes** - A person age 18 or older shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle. CO ST § 42-4-239(3).

**Yes**

June 1, 2009

December 1, 2009

**Primary**

**Class A Traffic Infraction:**

First violation – fine of **\$50**;

Second or subsequent violation – fine of **\$100**. CO ST § 42-4-239(5).

N/A

A driver may use a wireless telephone for the sole purpose of contacting a public safety entity or during an emergency. CO ST § 42-4-239(4).

A driver age 18 or older shall not be cited for a violation unless a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission. CO ST § 42-4-239(6)(b).

**Yes** - A person under age 18 shall not use a wireless telephone while operating a motor vehicle. CO ST § 42-4-239(2).

June 1, 2009

December 1, 2009

**Primary**

**Class A Traffic Infraction:**

First violation – fine of **\$50**;

Second or subsequent violation – fine of **\$100**. CO ST § 42-4-239(5).

N/A

A driver under the age of 18 may use a wireless telephone for the sole purpose of contacting a public safety entity or during an emergency. CO ST § 42-4-239(4).

A driver under the age of 18 shall not be cited for using a wireless telephone while driving unless a law enforcement officer saw the driver talking, listening or engaging the wireless telephone for text

messaging or other similar forms of manual data entry or transmission. CO ST § 42-4-239(1)(c), (6)(a).

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle. CO ST § 42-4-201(3).

Enactment Date:

June 3, 1994

Effective Date:

January 1, 1995

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Class A Traffic Infraction** – not less than **\$15** or more than **\$100**.  
CO ST § 42-4-1701(3)(a)(I).

**Summary of Legislative History:**

In 2005, the law included mobile communication devices only, and was restricted to drivers holding a temporary instruction permit or minor's instruction permit. However, in 2009, the legislature amended the law to include wireless telephones, which expanded the definition of mobile communication devices to include text messaging, and expanded the covered class of drivers.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:**

## CONNECTICUT

Connecticut General Statutes Annotated

“Mobile telephone” means a cellular, analog, wireless or digital telephone capable of sending or receiving telephone communications without an access line for service.

“Mobile electronic device” means any hand-held or other portable electronic equipment capable of providing data communication between two or more persons, including a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital photographs are taken or transmitted, or any combination thereof. CT ST § 14-296aa(1), (8).

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes** - No person shall operate a motor vehicle upon a highway, while using a handheld mobile telephone while such vehicle is in motion. CT ST § 14-296aa(b)(1).

Law Applies to All Drivers:

**Yes**

Other Driver Sub-Categories:

**Yes** - School bus drivers – No person shall use a hand-held mobile telephone or other electronic device, including those with hands-free accessories, or a mobile electronic device while operating a moving school bus that is carrying passengers. CT ST § 14-296aa(c).

Original Enactment Date

2005

Date of Last Action:

June 3, 2010

Effective Date:

October 1, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

First violation - **\$125** fine;Second violation - **\$250** fine;Third or subsequent violation - **\$400**. CT ST § 14-296aa(h).

Administrative Sanctions:

N/A

Exceptions:

Use of a mobile telephone for emergency purposes is permitted. CT ST § 14-296aa(b)(4).

Other Information:

There is a rebuttable presumption that an operator of a motor vehicle who holds a hand-held 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. CT ST § 14-296aa(b)(2). The operator who commits a moving violation while engaged in prohibited mobile telephone use shall be fined for the mobile telephone use in addition to any penalty or fine for the moving violation. CT ST § 14-296aa(i).

**Restrictions on “Texting”:**

“Texting” Law:

**Yes**

Law Applies to All Drivers:

**Yes**

Original Enactment Date

2005

Date of Last Action:

June 3, 2010

Enactment Date:

October 1, 2010

Sanctions:	
Primary/Secondary Offense:	<b>Primary</b>
Criminal Sanctions (Fine/Jail):	<u>First violation</u> - <b>\$125</b> fine; <u>Second violation</u> - <b>\$250</b> fine; <u>Third or subsequent violation</u> - <b>\$400</b> . CT ST § 14-296aa(h).
Administrative Sanctions:	N/A
Exceptions:	Emergency use is permitted.
Other Information:	<u>Commercial drivers</u> – No person shall type, read or send text or a text message with or from a mobile telephone or mobile electronic device while operating a commercial motor vehicle. CT ST § 14-296aa(e). A commercial driver commits a “serious traffic violation” if he/she types, reads, or sends a text message while operating a commercial vehicle. Such driver is disqualified from operating a commercial vehicle for not less than <b>60 days</b> if convicted of two serious traffic violations, or <b>120 days</b> if convicted of three serious traffic violations within a 3-year period. CT ST § 14-44k(f).
<b><u>Restrictions on Novice Drivers:</u></b>	
Novice Driver Law(s):	<b>Yes</b> - No person under the age of 18 shall use any handheld mobile telephone, including one with a hands-free accessory while operating a moving motor vehicle on a public highway. CT ST § 14-296aa(d).
Enactment Date:	June 3, 2010
Effective Date:	July 13, 2011
Sanctions:	
Primary/Secondary Offense:	<b>Primary</b>
Criminal Sanctions (Fine/Jail):	<u>First violation</u> - <b>\$125</b> fine; <u>Second violation</u> - <b>\$250</b> fine; <u>Third or subsequent violation</u> - <b>\$400</b> . CT ST § 14-296aa(h).
Administrative Sanctions:	N/A
Exceptions:	Use of a mobile telephone for emergency purposes is permitted. CT ST § 14-296aa(b)(4).
<b><u>Other Prohibited Distractions:</u></b>	
Other Distractions Law:	<b>Yes</b> - No person shall engage in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such vehicle on any highway. CT ST § 14-296aa(g).
Enactment Date:	June 3, 2010
Effective Date:	July 13, 2011
Sanctions:	
Primary/Secondary Offense:	<b>Primary</b>
Criminal Sanctions (Fine/Jail):	<u>First violation</u> - <b>\$125</b> fine; <u>Second violation</u> - <b>\$250</b> fine; <u>Third or subsequent violation</u> - <b>\$400</b> . CT ST § 14-296aa(h).
Other Information:	The operator who commits a moving violation while engaged in prohibited mobile telephone use shall be fined for the mobile telephone use in addition to any penalty or fine for the moving violation. CT ST § 14-296aa(i).
<b><u>Summary of Legislative History:</u></b>	The hand-held ban was upgraded on 6/23/11 with stronger penalties.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**DELAWARE**

Delaware Code Annotated

“Cell telephone” means a cellular, analog, wireless or digital telephone.

“Electronic communication device” means a cell telephone, personal digital assistant, electronic device with mobile data access, laptop commuter, pager, broadband personal communication device, 2-way messaging device, electronic game, or portable computing device.  
DE ST TI 21 § 4176C.

**Restrictions on the Use of**

**Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes** - No person shall driver a motor vehicle on any highway while using an electronic communication device while such motor vehicle is in motion. DE ST TI 21 § 4176C.

Law Applies to All Drivers:

**Yes**

Other Driver Sub-Categories:

**Yes** - School bus drivers – No driver shall operate a school bus on any highway while using a cell telephone while such vehicle is in motion and such vehicle is transporting 1 or more children.

DE ST TI 21 § 4176B.

Enactment Date:

July 6, 2010

Effective Date:

January 2, 2011

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

First offense – Civil penalty of **\$50**;

Subsequent offenses – Civil penalty of not less than **\$100** or more than **\$200**. DE ST TI 21 § 4176C.

**School bus drivers:**

First offense – Not less than **\$50** or more than **\$100**;

Subsequent offenses – Not less than **\$100** or more than **\$200**.

DE ST TI 21 § 4176B

Administrative Sanctions:

**School bus drivers** - Subsequent violations – School bus endorsement removed from the driver’s license for at least **6 months**. DE ST TI 21 § 4176B.

Exceptions:

A person may use a *handsfree* device so long as such person does not hold the hands-free electronic communication device in such person’s hand or hands. DE ST TI 21 § 4176C.

Emergency use is permitted. DE ST TI 21 § 4176B;

DE ST TI 21 § 4176C.

Other Information:

No points shall be assessed for a violation, and shall not be made part of the person’s driving records (for non-school bus drivers).  
DE ST TI 21 § 4176C.

**Restrictions on “Texting”:**

“Texting” Law:

**Yes**

Law Applies to All Drivers:

**Yes**

Enactment Date: July 6, 2010  
 Effective Date: January 2, 2011  
 Sanctions:  
     Primary/Secondary Offense: **Primary**  
     Criminal Sanctions (Fine/Jail): First offense – Civil penalty of **\$50**;  
     Subsequent offenses – Civil penalty of not less than **\$100** or more than **\$200**. DE ST TI 21 § 4176C.  
 Other Information: “Using” shall mean holding in a person’s hand or hands an electronic communication device while viewing or transmitting images or data, playing games, composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages or other electronic data, or engaging in a call. DE ST TI 21 § 4176C(b)(6). Based on this definition, it appears there are no exceptions for texting and driving.

**Restrictions on Novice Drivers:**

Novice Driver Law(s): **Yes** - A driver holding a learner’s permit or intermediate license shall not operate a motor vehicle while using a cellular telephone, text messenger, or substantially similar electronic device. DE ST TI 21 § 2710.

Enactment Date: July 6, 2010  
 Effective Date: January 2, 2011

Sanctions:  
     Primary/Secondary Offense: **Primary**  
     Criminal Sanctions (Fine/Jail): First offense – Civil penalty of **\$50**;  
     Subsequent offenses – Civil penalty of not less than **\$100** or more than **\$200**. DE ST TI 21 § 4176C.

Administrative Sanctions: First violation – Suspension 1 month;  
Subsequent violation – Suspension 3 months.  
 DE ST TI 21 § 2710(j).

Exceptions: Emergency use is permitted. DE ST TI 21 § 4176B;  
 DE ST TI 21 § 4176C.

**Other Prohibited Distractions:**

Other Distractions Law: **No**

**Summary of Legislative History:** This law was first enacted in July 2010.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Original Enactment Date

Date of Last Action:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Original Enactment Date

Date of Last Action:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

**DISTRICT OF COLUMBIA**

D.C. Code; Weil’s Code of D.C. Municipal Regulations (DCMR)

“Mobile telephone” means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone messages without an access line for service.

“Other electronic device” includes, but is not limited to, hand-held computers, pagers, and video games. DC ST § 50-1731.02.

**Yes** - No person shall use a mobile telephone or other electronic device while operating a moving motor vehicle unless the telephone is equipped with a hands-free accessory. DC ST § 50-1731.04.

**Yes**

**Yes** - School bus drivers – A person shall not use a mobile telephone or other electronic device, including those with hands-free accessories, while operating a moving school bus that is carrying passengers.

March 30, 2004 (Effective 7/1/04)

December 10, 2009

December 10, 2009

**Primary**

**\$100** fine. However, the fine shall be suspended for a first-time violator prior to the imposition of such fine if the person provides proof of acquisition of a hands-free accessory.

DC ST § 50-1731.06(b).

N/A

Emergency use is permitted, as well as initiating or terminating a telephone call, or turning the telephone on or off. DC ST § 50-1731.04(b)(3).

School bus drivers may place an emergency call to school officials or to emergency personnel. DC ST § 50-1731.05(a).

**Yes** - No person shall use a mobile telephone or other electronic device while operating a moving motor vehicle unless the telephone is equipped with a hands-free accessory. DC ST § 50-1731.04.

**Yes**

January 28, 2004

December 10, 2009

December 10, 2009

**Primary**

**\$100** fine. However, the fine shall be suspended for a first-time violator prior to the imposition of such fine if the person provides proof of acquisition of a hands-free accessory.

DC ST § 50-1731.06(b).

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - A person who holds a learner's permit shall be prohibited from using any mobile telephone or other electronic device, including those with hands-free accessories, while operating a motor vehicle on a public highway. DC ST § 50-1731.05(b).

Enactment Date:

January 28, 2004

Effective Date:

December 10, 2009

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**\$100** fine. However, the fine shall be suspended for a first-time violator prior to the imposition of such fine if the person provides proof of acquisition of a hands-free accessory. DC ST § 50-1731.06(b).

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - Distracted driving is prohibited. DC ST § 50-1731.03.

Enactment Date:

January 28, 2004

Effective Date:

December 10, 2009

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**\$100** fine. DC ST § 50-1731.06(b).

Other Information:

“Distracted driving” means inattentive driving while operating a motor vehicle that results in the unsafe operation of the vehicle where such inattention is caused by reading, writing, performing personal grooming, interacting with pets or unsecured cargo, using personal communications technologies, or engaging in any other activity which causes distractions. DC ST § 50-1731.02.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**Restrictions on the Use of**

**Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Other Information:

**FLORIDA**

Florida Statutes Annotated

N/A

**No**

A municipality may regulate the operation of cellular telephones while driving a motor vehicle, and a municipal ordinance requiring hands-free headsets is permitted. Op.Atty.Gen., 2001-49, July 16, 2001.

Each school district shall adopt, after considering recommendations of the superintendent, a school board policy prohibiting the use of a cellular telephone by any school bus operator while actively driving the bus. 6 FL ADC 6A-3.0171

**Restrictions on “Texting”:**

“Texting” Law:

**No**

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**No**

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No motor vehicle operated on the highways shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver’s seat. FL ST § 316.303.

No person shall operate a motor vehicle while wearing a headset, headphone or other listening device, other than a hearing aid or instrument for the improvement of defective human hearing. FL ST § 316.304.

Enactment Date:

May 28, 1994

Effective Date:

July 1, 1994

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Non-moving violation - \$30** FL ST § 318.18(2)

Administrative Sanctions:

N/A

Exceptions:

A headset in conjunction with a cellular telephone that provides sound through one ear is permitted. FL ST § 316.304(2)(d).

**Summary of Legislative History:**

There are no laws currently addressing a statewide restriction on the use of cellular telephones or texting while driving.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**GEORGIA**

Code of Georgia Annotated

“Wireless telecommunications device” means a cellular telephone, a text-messaging device, a personal digital assistant, a standalone computer, or any other substantially similar wireless device that is used to initiate or receive a wireless communication from another person. It does not include citizens band radios or hybrids, commercial two-way radio communication devices, subscription-based emergency communications, in-vehicle security, navigation, and remote diagnostics systems or amateur or ham radio devices. GA ST § 40-6-241.1(a)(2).

**Restrictions on the Use of**

**Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

**Yes**

**No**

**Yes - School bus drivers** – The driver of a school bus shall not use or operate a cellular telephone or two-way radio while loading or unloading passengers, and while the bus is in motion.

GA ST § 40-6-165.

Enactment Date:

June 4, 2010

Effective Date:

July 1, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**\$150 fine**

Administrative Sanctions:

1 point assessed. GA ST § 40-5-57.

Exceptions:

Emergency use is permitted.

**Restrictions on “Texting”:**

“Texting” Law:

**Yes**

Law Applies to All Drivers:

**Yes** drivers age 18 and older..

No person who is age 18 or older or who has a Class C license shall operate a motor vehicle on any public road or highway while using a wireless telecommunications device to write, send, or read any text based communication, including but not limited to a text message, instant message, e-mail, or Internet data. GA ST § 40-6-241.2(b).

Enactment Date:

June 4, 2010

Effective Date:

July 1, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Misdemeanor - \$150 fine**

Administrative Sanctions:

1 point assessed. GA ST § 40-5-57.

Exceptions:

Emergency use is permitted

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - No person who has an instruction permit or provisional license and is under the age of 18 shall operate a motor vehicle on any public road or highway while engaging in a wireless communication using a wireless telecommunications device. GA ST § 40-6-241.1(b).

Enactment Date: June 4, 2010  
 Effective Date: July 1, 2010  
 Sanctions:  
     Primary/Secondary Offense: **Primary**  
     Criminal Sanctions (Fine/Jail): **\$150 fine**  
     Administrative Sanctions: 1 point assessed. GA ST § 40-5-57.  
 Exceptions: Emergency use is permitted.

**Other Prohibited Distractions:**

Other Distractions Law: **Yes** - A driver shall exercise due care in operating a motor vehicle on the highways and shall not engage in any actions which shall distract such driver from the operation of such vehicle. GA ST § 40-6-241.

No person shall operate a motor vehicle while wearing a headset or headphone which would impair such person's ability to hear, nor shall any person while operating a motor vehicle wear any device which impairs such person's vision. GA ST § 40-6-250.

Enactment Date: 1974  
 Effective Date: 2010  
 Sanctions:  
     Primary/Secondary Offense: **Primary**  
     Criminal Sanctions (Fine/Jail): **Misdemeanor - \$150 fine**

**Summary of Legislative History:**

It appears that a general distracted driving law has been on the books since 1990, but only in 2010 were restrictions for cell phone use and texting while driving enacted.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**HAWAII**

Hawai'i Revised Statutes Annotated<sup>6</sup>

“Mobile electronic device” means any hand-held or other portable equipment capable of providing wireless data or data communication between two or more persons or of providing amusement, including a cellular phone, text messaging device, paging device, personal digital assistance device, laptop computer, video game, or digital photographic device, but not including any audio equipment, navigation equipment, or equipment installed in a motor vehicle for the purpose of providing emergency assistance for the operator of the motor vehicle or video entertainment for passengers in the rear seats of the vehicle. Maui County Code Ord. 10.52.260(E).

**Restrictions on the Use of**

**Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes – Partial by county.** (Maui County) - No person shall operate a motor vehicle using a mobile electronic device. Maui County Code Ord. 10.72.020.

Law Applies to All Drivers:

**Yes**

Other Driver Sub-Categories:

**No**

Enactment Date:

2010

Effective Date:

2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

First offense – A fine of not more than **\$100**;  
Subsequent offense – A fine of not more than **\$250**; Maui County Code Ord. 10.72.020

Administrative Sanctions:

N/A

Exceptions:

Hands-free devices are permitted. The use of such device for the sole purpose of making a “911” call is permitted. Additionally, drivers using two-way radios while in the performance and scope of their work-related duties who are operating commercial vehicles and possess a commercial driver’s license or permit are exempt from this law.

**Restrictions on “Texting”:**

“Texting” Law:

**Yes – Partial by County.** No person shall operate a motor vehicle using a mobile electronic device. Maui County Code Ord. 10.72.020.

Law Applies to All Drivers:

**Yes**

Enactment Date:

2010

Effective Date:

2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

First offense – A fine of not more than **\$100**;  
Subsequent offense – A fine of not more than **\$250**;  
Maui County Code Ord. 10.72.020

<sup>6</sup> There are no distracted driving laws which cover the entire state of Hawai'i. Individual counties, i.e., Maui, may have laws. At the time of this publication, only the Maui County code was publicly available online. Maui's reference is the Maui County Code.

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - Drivers who hold an instructional permit or provisional license are further prohibited from using any hands-free technology to assist with the use of a mobile electronic device. Maui County Code Ord. 10.52.260(D).

Enactment Date:

2010

Effective Date:

2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

First offense – A fine of not more than **\$100**;  
Subsequent offense – A fine of not more than **\$250**. Maui County Code Ord. 10.72.020

**Other Prohibited Distractions:**

Other Distractions Law:

**No**

**Summary of Legislative History:**

There are no State laws prohibiting the use of cell phones or text messaging. However, each county may have their own ordinances, similar to Maui.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Other Information:

**IDAHO**

Idaho Code (General Law of Idaho Annotated)

N/A

**No**

While Idaho has no specific law with regard to the use of electronic/mobile devices, it is possible that commercial drivers can be disqualified from operating a commercial motor vehicle for 60 days if they are convicted of two separate serious traffic violations within a 3-year period, or 120 days if convicted of three serious traffic violations within a 3-year period. Idaho law follows the Code of Federal Regulations in defining “serious traffic violation”. This includes driving with a hand-held cellular telephone.

ID ST § 49-335; ID ST § 49-120(11); 49 CFR 383.51(10).

**Restrictions on “Texting”:**

“Texting” Law:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

Other Information:

Other Information:

**Yes** ID ST§ 49-1401A

4/6/2012

7/1/2012

**Primary****First offense - \$85**

Does not apply to voice-operated or hands free devices that allow the user to transmit a text message without the use of either hand except to activate, deactivate or initiate a feature or function.

Commercial drivers can be disqualified from operating a commercial motor vehicle for 60 days if they are convicted of two separate serious traffic violations within a 3-year period, or 120 days if convicted of three serious traffic violations within a 3-year period. Idaho law follows the Code of Federal Regulations in defining “serious traffic violation”. ID ST § 49-335; ID ST § 49-120(11); 49 CFR 383.51(9).

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**No****Other Prohibited Distractions:**

Other Distractions Law:

**No**

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of****Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories::

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

## ILLINOIS

West’s Smith-Hurd Illinois Compiled Statutes Annotated

“Wireless telephone” means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network. IL ST Ch. 625 § 5/12-610.1(a).

**Yes****No****Yes - School bus drivers** – A school bus driver may not operate a school bus while using a cellular radio telecommunications device (this includes wireless telephones). IL ST Ch. 625 § 5/12-813.1(b).**School zone** – No driver may use a wireless telephone in a school speed zone or on a highway in a construction or maintenance speed zone. Hand-free, or voice-activated modes are permitted.

IL ST Ch. 625 § 5/12-610.1(e).

August 6, 2009

January 1, 2010

**Primary****School bus drivers - Petty offense** – Fine of not less than **\$100** or more than **\$250**. IL ST Ch. 625 § 5/12-813.1(d).**Yes** - A person may not operate a motor vehicle on a roadway while using an electronic communication device to compose, send, or read an electronic message. IL ST Ch. 625 § 5/12-610.2(b).**Yes**

August 6, 2009

January 1, 2010

**Primary****Petty Offense** (first & second violations) – a fine not to exceed **\$1,000**; **Class C Misdemeanor** (subsequent violation) - imprisonment for not more than **30 days**, and a fine of not more than **\$1,500** may be imposed. IL ST Ch. § 5/16-104; IL ST Ch. 730 § 5/5-4.5-75; IL ST Ch. 730 § 5/5-4.5-65.

Law enforcement officers, operators of emergency vehicles during official duties, emergency situations, hands-free or voice activated devices, commercial vehicle operators who read messages displayed on permanently installed communication devices designed for commercial motor vehicles (screen must not exceed 10”x10”) are exempt. IL ST Ch. 625 § 5/12-610.2(d).

**Yes** - A person under the age of 19 who holds an instruction permit, or a person under the age of 19 who holds a graduated license may not drive a vehicle on a roadway while using a wireless telephone.

IL ST Ch. 625 § 5/12-610.1(b).  
 Enactment Date: August 6, 2009  
 Effective Date: January 1, 2010  
 Sanctions:  
   Primary/Secondary Offense: **Primary**  
   Criminal Sanctions (Fine/Jail): No sanctions listed  
   Administrative Sanctions: N/A  
 Exceptions: Drivers under the age of 19 may use a wireless telephone for emergency purposes.

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - A person may not operate a motor vehicle if a television receiver, a video monitor, a television or video screen, or any other similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications is operating and is located in the motor vehicle at any point forward of the back of the driver's seat, or is operating and visible to the driver while driving the motor vehicle. IL ST Ch. 625 § 5/12-604.1.

Enactment Date: July 12, 2005  
 Effective Date: January 1, 2006  
 Sanctions:  
   Primary/Secondary Offense: **Primary**  
   Criminal Sanctions (Fine/Jail): **Petty Offense:**  
     First offense – not more than **\$100**;  
     Second offense (within 1 year) – not more than **\$200**;  
     Third or subsequent offense (within 1 year) – not more than **\$250**.  
 IL ST Ch. 625 § 5/12-604.1(e).  
 Exceptions: Emergency vehicles are permitted. Image display devices that provide navigation, traffic, road or weather information, vehicle information, enhance the driver's view or ability to monitor occupants, display information intended to enhance safety, or image display devices present in public service vehicles used for maintenance and service of facilities are permitted.  
 IL ST Ch. 625 § 5/12-604.1.  
 Other Information: Driver's education shall include instruction on distracted driving.  
 IL ST Ch. 105 § 5/27-24.2.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

**Restrictions on "Texting":**

"Texting" Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

**Other Prohibited Distractions:**

Other Distractions Law:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

## INDIANA

Indiana Code Annotated

"Telecommunications device" means an electronic or digital telecommunications device, including a wireless telephone, personal digital assistant, pager, or text messaging device.

IN ST § 9-13-2-177.3

**Yes****No** – Law applies to novice drivers only.**Yes** - A person may not use a telecommunications device to type, transmit, or read a text message or an electronic mail message while operating a moving motor vehicle unless the device is used in conjunction with hands-free or voice operated technology, or unless the device is used to call 911. IN ST § 9-21-8-59(a).**Yes**

May 10, 2011

July 1, 2011

**Primary****Class C Infraction** – A judgment of up to **\$500**

Hands-free operation or devices with voice-operated technology are permitted. Use for emergency purposes is exempt.

**Yes** - An individual less than 18 years of age holding a probationary license may not operate a motor vehicle while using a telecommunications device. IN ST § 9-24-11-3.3(b)(4).

May 10, 2011

July 1, 2011

**Primary****Class C Infraction** – A judgment of up to **\$500**.

Emergency purposes are permitted.

**Yes** - A person may not own or operate a motor vehicle on a highway that has a television set installed so that the screen of the television set can be seen by a person sitting in the driver's seat. IN ST § 9-19-17-1.

April 23, 1991

1991

**Primary****Class C Infraction** – up to **\$500**. IN ST § 34-28-5-4.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**Other Prohibited Distractions:**

Other Distractions Law:

## IOWA

Iowa Code Annotated

N/A

**Yes****No** – Law applies to novice drivers only.**No****Yes** - A person shall not use a handheld communication device to write, send, or read a text message while driving a motor vehicle unless that motor vehicle is at a complete stop off the traveled portion of the roadway. IA ST § 321.276(2).**Yes**

April 1, 2010

July 1, 2010

**Secondary****Simple Misdemeanor** – fine of **\$30**. IA ST § 321.276(4), (5); IA ST § 805.8a(14)(l).

No – in determining suspension, the department shall not consider texting while driving. IA ST § 321.210(e).

Texting is permitted for public safety personnel; emergency situations, persons receiving safety-related information including emergency, traffic, or weather alerts. IA ST § 321.276(3).

**Yes** - A person issued an instruction permit or intermediate driver’s license shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. IA ST § 321.178; IA ST § 321.180B(6); IA ST § 321.194.

April 1, 2010

July 1, 2010

**Primary****Citation** – a fine of **\$50**. IA ST § 321.180B(6A); IA ST § 805.8A(4)(e).

N/A

Electronic equipment which is permanently installed in the motor vehicle or a portable device which is operated through permanently installed equipment is permitted. IA ST § 321.180B(6)(a).

**No**

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****KANSAS**

Kansas Statutes Annotated

“Wireless communication device” means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. KS ST § 8-234a(6).

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes**

Law Applies to All Drivers:

**No** – Law applies to novice drivers only.

Other Driver Sub-Categories:

**No****Restrictions on “Texting”:**

“Texting” Law:

**Yes** - No person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication. KS ST § 8-15,111(b).

Law Applies to All Drivers:

**Yes**

Enactment Date:

May 24, 2010

Effective Date:

July 1, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Traffic Infraction** – a fine of **\$60**. KS ST § 8-2116; KS ST § 8-2118(c).

Exceptions:

Emergency use or the receipt of a message relating to the operation or navigation of the motor vehicle is permitted.

KS ST § 8-15,111(c), (d).

Other Information:

**Restrictions on Novice Drivers:**

Distracted Driving Related

**Yes** - The holder of an instruction permit shall not operate a wireless communication device while driving a passenger car, except that a permit holder may operate a wireless communication device while driving a passenger car to report illegal activity or to summons medical or other emergency help. KS ST § 8-2,100(b).

Novice Driver Law(s):

Any person issued a restricted license shall not operate a wireless communication device while driving a motor vehicle.

KS ST § 8-2,101(e).

Enactment Date:

March 27, 2009

Effective Date:

January 1, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Misdemeanor:**First conviction – Not more than **\$250**;Second or subsequent conviction – Not more than **\$500**.

KS ST § 8-291(b).

Administrative Sanctions:

First conviction – suspension for 30 days;  
Second conviction – suspension for 90 days;  
Third or subsequent conviction – suspension for 1 year.  
KS ST § 8-291(c).

**Other Prohibited Distractions:**

Other Distractions Law:

**No**

**Summary of Legislative History:**

The law with regard to use of a wireless communication device for novice drivers is called “Cody’s Law”. It was enacted on March 27, 2009, and became effective on January 1, 2010.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of****Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

Other Information:

**Restrictions on "Texting":**

"Texting" Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

**KENTUCKY**

Kentucky Revised Statutes

"Personal communication device" means a device capable of two-way audio or text communication that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers communication to the possessor, including but not limited to a paging device and a cellular telephone. KY ST § 189.292(1).

**Yes****No**

**Yes - School bus drivers** – A person shall not operate a school bus on any highway while using a cellular telephone while the bus is in motion and transporting one or more children, except for communications made to and from central dispatch, school transportation department or its equivalent when the bus is not equipped with a functioning two-way radio, and except for an emergency. KY ST § 281A.205.

April 12, 2010

July 15, 2010

**Primary****First violation** – a fine of **\$25**;**Subsequent violation** – a fine of **\$50**. KY ST § 189.990(30)(b).

N/A

N/A

Kentucky law holds that no city, county, urban-county, charter county, consolidated local government, or special district shall impose a restriction on the use of a mobile telephone in a motor vehicle. KY ST § 65.873.

**Yes** - No person shall, while operating a motor vehicle that is in motion on the traveled portion of the roadway, write, send, or read text-based communication using a personal communication device to manually communicate with any person using text-based communication, including but not limited to communications referred to as a text message, instant message, or electronic mail. KY ST § 189.292(2).

**Yes**

April 12, 2010

June 8, 2011

**Primary****First offense** – A fine of **\$25**;**Subsequent offense** – a fine of **\$50**. KY ST § 189.990(30)(b).

Exceptions include GPS, navigations systems, selecting or entering a phone number for the purpose of making a call, and emergency use. KY ST § 189.292(3).

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - Any person under the age of 18 who has been issued an instruction permit, intermediate license, or operator’s license shall not operate a motor vehicle, motorcycle, or moped, that is in motion on the traveled portion of the roadway while using a personal communication device. KY ST § 189.294(2).

Enactment Date:

April 12, 2010

Effective Date:

July 15, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

First violation – a fine of **\$25**;

Subsequent violation – a fine of **\$50**. KY ST § 189.990(30)(b).

Administrative Sanctions:

N/A

Exceptions:

A novice driver may use a personal communication device to summon medical help or law enforcement/public safety in an emergency situation. Additional exceptions include the use of GPS or navigation system. KY ST § 189.294(2), (3).

**Other Prohibited Distractions:**

Other Distractions Law:

**No**

**Summary of Legislative History:**

In 2010, text messaging was banned for all drivers and the use of personal communication devices was banned for novice drivers.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of  
Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

Other Information:

**Restrictions on "Texting":**

"Texting" Law:

Law Applies to All Drivers:

Original Enactment Date

Date of Last Action:

Enactment Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

Other Information:

## LOUISIANA

West's Louisiana Statutes Annotated: Revised Statutes

"Wireless telecommunications device" means any type of instrument, device or machine that is capable of transmitting or receiving telephonic, electronic, radio, text, or data communications, including but not limited to a cellular telephone, a text-messaging device, a personal digital assistant, a computer, or any other similar wireless device that is designed to engage in a call or communicate text or data. LA R.S. § 32:300.7.

**Yes****No**

**Yes - School bus drivers** – No person shall engage in a call on a cellular radio telecommunication device while driving a school bus. LA R.S. § 32:289.

July 1, 2008

July 1, 2008

**Primary**

**Misdemeanor** – Imprisonment for not more than **90 days** and/or a fine by not more than **\$500**. LA R.S. § 32:289(D).

Emergency use is permitted

Regulation of operator or passenger use of cellular telephones and other electronic communications devices in a motor vehicle is exclusively reserved to and preempted by the State. No local governmental subdivision shall enact or enforce any charter provision, ordinance, resolution, or other provision regulating the use of cellular phones or other electronic communications devices in a motor vehicle. LA R.S. § 33:31.

**Yes** - No person shall operate a motor vehicle on any public road or highway while using a wireless telecommunications device to write, send, or read a text-based communication. LA R.S. § 32:300.5.

**Yes**

July 1, 2008

June 17, 2010

August 15, 2010

**Primary****First violation** – fine of not more than **\$175**;**Subsequent violation** – fine of not more than **\$500**.

LA R.S. § 32:300.5(C).

Emergency use is permitted; GPS navigation is permitted.

If a person is involved in a crash at the time of violation, the fine shall be equal to double the amount of the standard fine imposed.

Any violation is considered to be a moving violation.

LA R.S. § 32:300.5(3), (4).

**Restrictions on Novice Drivers:**

Distracted Driving Related  
Novice Driver Law(s):

**Yes**

Drivers with learner's/intermediate license: No person holding a learner's license or intermediate license shall operate a motor vehicle on any public road or highway while using any wireless telecommunications device to engage in a call, unless the wireless communications device is a hands-free wireless telephone.

LA R.S. § 32:300.6(A).

Underage drivers: No person who is 17 years of age or younger shall operate a motor vehicle on any public road or highway while using any wireless telecommunications device to engage in a call or write, send or read a text-based communication. LA R.S. § 32:300.7(B).

Driver's license for under 1 year: Any person, regardless of age, issued a first driver's license shall be prohibited from using a cellular telephone for any purpose while operating a motor vehicle for a period of 1 year.<sup>7</sup> LA R.S. § 32:289.1

Enactment Date:

July 1, 2008

Effective Date:

July 1, 2008

Sanctions:

Primary/Secondary Offense:

**Secondary** (driver's with learner's/intermediate license; driver's for under 1 year); **Primary** (underage drivers)

Criminal Sanctions (Fine/Jail):

Drivers with learner's/intermediate license: **Moving violation – First violation** – a fine of not more than **\$175**; **Subsequent violation** – a fine of not more than **\$500**.  
LA R.S. § 32:300.6(C).

Underage drivers: **Moving violation – First violation** – a fine of not more than **\$100**; **Subsequent violation** – a fine of not more than **\$250**.  
LA R.S. § 32:300.7.

Drivers for under 1 year: **Non-moving violation – First violation** – a fine of **\$100** and/or **16 hours** community service; **Subsequent violation** – fine of **\$250** and/or **24 hours** community service. LA R.S. § 32:289.1.

Exceptions:

Emergency use is permitted

Other Information:

If a person is involved in a crash at the time of violation, the fine shall be equal to double the amount of the standard fine imposed. Any violation is considered to be a moving violation.  
LA R.S. § 32:300.5(3), (4).

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - The wearing of headphones by any operator of a motor vehicle is prohibited. LA R.S. § 32:295.2.

<sup>7</sup> This does not include drivers previously licensed to drive in another jurisdiction.

Enactment Date: June 18, 1995  
Effective Date: 1995  
Sanctions:  
    Primary/Secondary Offense: **Secondary**  
    Criminal Sanctions (Fine/Jail): A fine of **\$25**. LA R.S. § 32:295.2  
Exceptions: Hearing aids or other instrument to aid hearing is permitted, as well as a device which covers or is inserted into one ear only.  
LA R.S. § 32:295.2.

**Summary of Legislative History:**

In July 2010, the legislature approved a change to the 2008 law, updating a violation of texting while driving from a secondary offense to a primary offense. It was also changed from a non-moving violation to a moving violation.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Other Information:

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Other Information:

**Other Prohibited Distractions:**

Other Distractions Law:

MAINE

Maine Revised Statutes Annotated (MRSA)

“Mobile telephone” means a device used to access a wireless

telephone service. “Handheld electronic device” means any handheld electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, device for sending or receiving electronic mail, text messaging device or computer. 29-A M.R.S.A. § 2116(1).

**Yes**

**No** – Law applies to novice drivers only.

**No**

**Yes** - A person may not operate a motor vehicle while engaging in text messaging. 29-A M.R.S.A. § 2119.

**Yes**

June 3, 2011

September 28, 2011

**Primary**

**Traffic Infraction** – a fine of not less than **\$100** may be given.

**Yes** - A person who is not yet 18 years of age may not operate a motor vehicle while using a mobile telephone or handheld device. 29-A M.R.S.A. § 1304(1)(I); 29-A M.R.S.A. § 1311(1)(C); 29-A M.R.S.A. § 2116.

June 11, 2007

June 11, 2007

**Primary**

**Traffic Infraction** –

**First violation** – a fine of not less than **\$50**;

**Subsequent violation** – a fine of not less than **\$250**. 29-A M.R.S.A. § 2116(3); 29-A M.R.S.A. § 1304(1)(I); 29-A M.R.S.A. § 1311.

The laws specifically addressing instruction permits (29-A M.R.S.A. § 1304) and intermediate licenses (29-A M.R.S.A. § 1311) were enacted in 2003.

**Yes** - A person who fails to maintain control of a motor vehicle commits a traffic infraction. This includes being engaged in the operation of a motor vehicle while distracted, which includes being engaged in an activity that is not necessary to the operation of the vehicle and that actually impairs or would reasonably be expected to

impair the ability of the person to safely operate the vehicle.  
29-A M.R.S.A. § 2118.  
Enactment Date: June 19, 2009  
Effective Date: October 1, 2009  
Sanctions:  
Primary/Secondary Offense: **Primary**  
Criminal Sanctions (Fine/Jail): **Traffic Infraction** – a fine of not less than **\$25** or more than **\$500**.  
29-A M.R.S.A. § 2604.

**Summary of Legislative History:**

An overall ban of using a cell phone while driving has been proposed before but has failed, with the latest effort to ban handheld devices failing in April 2011.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

Other Information:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Original Enactment Date

Date of Last Action:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**MARYLAND**

Annotated Code of Maryland

“Handheld telephone” means a handheld device used to access wireless telephone service. MD Trans § 21-1124.2

**Yes** - The driver of a motor vehicle that is in motion may not use the driver’s hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone. MD Trans § 21-1124.2(d).

**Yes**

**Yes - School bus drivers** – A driver of a school vehicle may not use a handheld telephone while such vehicle is in motion and carrying passengers. MD Trans § 21-1124.2(c).

May 20, 2010

October 1, 2010

**Secondary**

**First offense** – a fine of not more than **\$40**;  
**Second or subsequent offense** – a fine of **\$100**. MD Trans § 21-1124.2(f).

**First offense** – points may not be assessed unless the offense contributes to an accident.

Emergency use or use by emergency/law enforcement personnel; push-to-talk technology. MD Trans § 21-1124.2(b).

For a first offense, the court may waive penalty if the person provides proof of acquisition of a hands-free accessory, an attachment or add-on, a built-in feature, or an addition for the person’s handheld telephone that will allow the person to operate a motor vehicle. MD Trans § 21-1124.2(g).

**Yes** - A person may not use a text messaging device to write, send, or read a text message or an electronic message while operating a motor vehicle in the travel portion of the roadway.

MD Trans § 21-1124.1.

**Yes**

May 7, 2009 (Effective Date: October 1, 2009)

May 19, 2011

October 1, 2011

**Primary**

**Misdemeanor** – a fine of not more than **\$500**.  
MD Trans § 27-101(a), (b).

GPS use and contacting 9-1-1 are permitted.

MD Trans § 21-1124(c).

**Yes** - A holder of a learner’s instructional permit or a provisional

driver's license may not use a handheld telephone while operate a motor vehicle. MD Trans § 21-1124; MD Trans § 21-1124.2(c).  
 Enactment Date: May 20, 2010  
 Effective Date: October 1, 2010  
 Sanctions:  
     Primary/Secondary Offense: **Secondary**  
     Criminal Sanctions (Fine/Jail): First offense – a fine of not more than **\$40**; Second or subsequent offense – a fine of **\$100**. MD Trans § 21-1124.2(f).  
     Administrative Sanctions: The Administration may suspend a novice driver's license for not more than **90 days**, and may issue a restricted license for the suspension period that is limited to driving the motor vehicle: (1) in the course of the driver's employment; (2) for the purpose of driving to or from the place of employment; or (3) for the purpose of driving to or from school. MD Trans § 21-1124(e).  
 Other Information: The restriction on novice drivers includes those under the age of 18 and those 18 years of age or older.

**Other Prohibited Distractions:**

Other Distractions Law: **Yes** - A person may not drive a motor vehicle on a highway if the motor vehicle is equipped with television-type receiving equipment or video display equipment that is turned on and displaying an image visible to the driver. MD Trans § 21-1129.

Enactment Date: May 20, 2010  
 Effective Date: October 1, 2010  
 Sanctions:  
     Primary/Secondary Offense: **Primary**  
     Criminal Sanctions (Fine/Jail): **Misdemeanor** – a fine of not more than **\$500**. MD Trans § 27-101(a), (b).

**Summary of Legislative History:**

In October 2011, the words “read” and “electronic message” were added to the text messaging law.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**MASSACHUSETTS**

Massachusetts General Laws Annotated

“Mobile electronic device” means any hand-held or other portable electronic equipment capable of providing data communication between two or more persons, including, without limitation, a mobile telephone, a text messaging device, a paging device, a personal digital assistant, a laptop computer, electronic equipment that is capable of playing a video game or digital video disk, equipment on which digital photographs are taken or transmitted or any combination thereof, or equipment that is capable of visually receiving a television broadcast. MA ST 90 § 1.

“Mobile telephone” means a handheld or portable cellular, analog, wireless, satellite or digital telephone, including a telephone with 2-way radio functionality, capable of sending or receiving telephone communications and with which a user initiates, terminates or engages in a call using at least one hand. MA ST 90 § 1.

“Hands-free mobile telephone” means a hand-held mobile telephone that has an internal feature or function, or that is equipped with a hands-free accessory, whether or not permanently part of such hand-held 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 telephone call. MA ST 90 § 1.

**Restrictions on the Use of**

**Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

**Yes**

**No**

**Yes - Public transit drivers** – No operator of a vehicle or vessel used in public transportation<sup>8</sup> shall use a mobile telephone, hands-free mobile telephone or other mobile electronic device while operating such vehicle or vessel. MA ST 90 § 12A(a).

**School bus drivers** – No person shall operate a moving school bus while using a mobile telephone. MA ST 90 § 7B.

Enactment Date:

July 2, 2010

Effective Date:

September 30, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

A fine of **\$500**

Administrative Sanctions:

N/A

Exceptions:

Emergency use and use in the performance of operator’s official duties is permitted.

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<sup>8</sup> This includes a train, passenger bus, school bus or other vehicle used to transport pupils, passenger ferry boat, water shuttle or other equipment used in public transportation owned by, or operated under the authority of the Massachusetts Bay Transportation Authority, the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority, Massachusetts Port Authority, or the Massachusetts Department of Transportation. MA ST 90 § 12A(a).

**Restrictions on “Texting”:**

“Texting” Law:

**Yes** - No operator of a motor vehicle shall use a mobile telephone, or any handheld device capable of accessing the internet, to manually compose, send or read an electronic message while operating a motor vehicle. MA ST 90 § 13B.

Law Applies to All Drivers:

**Yes**

Enactment Date:

July 2, 2010

Effective Date:

September 30, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

First offense – a fine of **\$100**;

Second offense – a fine of **\$250**;

Third or subsequent offense – a fine of **\$500**. MA ST 90 § 13B.

Exceptions:

Texting is permitted if the vehicle is stationary and not located in a part of the public way intended for travel.

**Restrictions on Novice Drivers:**

Distracted Driving Related

**Yes** - No person under the age of 18 shall use a mobile telephone, hands-free mobile phone or mobile electronic device while operating a motor vehicle on any public way. MA ST 90 § 8M.

Novice Driver Law(s):

Enactment Date:

July 2, 2010

Effective Date:

September 30, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

First offense – a fine of **\$100**;

Second offense – a fine of **\$250**;

Third or subsequent offense – a fine of **\$500**. MA ST 90 § 8M.

Administrative Sanctions:

First offense – suspension for **60 days**;

Second offense – suspension for **180 days**;

Third or subsequent offense – suspension for **1 year**.

Exceptions:

Emergency use is permitted

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No person, when operating a motor vehicle, shall permit to be on or in the vehicle or on or about his person anything which may interfere with or impede the proper operation of the vehicle or any equipment by which the vehicle is operated or controlled, as long as one hand remains on the steering wheel at all times.

MA ST 90 § 13.

Enactment Date:

July 2, 2010

Effective Date:

September 30, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

First offense – a fine of not more than **\$35**;

Second offense – a fine of not more than **\$75**;

Third or subsequent offense – a fine of not less than **\$75** or more than **\$150** in any 12-month period. MA ST 90 § 20.

Other Information:

This includes television screens and headphones.

STATE

General Reference:

**Electronic/Mobile Devices  
Definition:**

MICHIGAN

Michigan Compiled Laws Annotated

N/A

**Restrictions on the Use of  
Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Other Information:

**No**

Detroit has an ordinance which makes it unlawful for any person to operate a motor vehicle on a highway, street, or alley while using a hand-held mobile phone, text messaging or engaging in distracting behavior. This is a secondary offense, punishable by a civil infraction of up to \$100. Detroit Ord. No. 55-4-28.

**Restrictions on "Texting":**

"Texting" Law:

**Yes** - A person shall not read, manually type, or send a text message on a wireless two-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in a cellular telephone service or personal communication service, while operating a motor vehicle that is moving on a highway or street. MI ST § 257.602b(1).

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

**Yes**

April 30, 2010

July 1, 2010

**Primary****Civil infraction –****First violation – \$100;****Second or subsequent violation - \$200.** MI ST § 257.602b(4).

Emergency use is permitted

Exceptions:

Other Information:

The State code section supersedes all local ordinances regulating the use of a communications device while operating a motor vehicle in motion on a highway or street, except that a unit of local government may adopt an ordinance or enforce an existing ordinance substantially corresponding to this section. MI ST § 257.602b(5).

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**No****Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - A person shall not operate a motor vehicle that is to be used upon a highway with a television or other similar electronic device that displays a video image that can be viewed by the operator while the motor vehicle is in motion. MI ST § 257.708b.

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

March 6, 2008

March 7, 2008

**Primary****Civil Infraction – not more than \$100.** MI ST § 257.907.

Exceptions:

Emergency vehicles are permitted. Image display devices that provide navigation, traffic, road or weather information, vehicle information, enhance the driver's view or ability to monitor occupants, display information intended to enhance safety, or image display devices present in public service vehicles used for maintenance and service of facilities are permitted.  
MI ST § 257.708b(2).

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****MINNESOTA**

Minnesota Statutes Annotated

“Cellular phone” means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone or text messages without an access line for service. MN ST § 169.011, subd. 15.

“Wireless communication device” means (1) a cellular phone, or (2) a portable electronic device that is capable of receiving and transmitting data, including but not limited to text messages and e-mail, without an access line for service. A wireless communications device does not include a device that is permanently affixed to the vehicle, or a global positioning system or navigation system when the system is used exclusively for navigation purposes. MN ST § 169.011, subd. 94.

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:  
Law Applies to All Drivers:  
Other Driver Sub-Categories:

**Yes****No**

**Yes - School bus drivers** – A school bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether handheld or hands free, when the vehicle is in motion. MN ST § 169.443.

Enactment Date:

May 4, 2008

Effective Date:

August 1, 2008

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Petty Misdemeanor** – A fine of not more than **\$300**.  
MN ST § 169.89, subd. 2.

**Restrictions on “Texting”:**

“Texting” Law:

**Yes** - No person may operate a motor vehicle while using a wireless communications device to compose, read, or send an electronic message, when the vehicle is in motion or a part of traffic.  
MN ST § 169.475.

Law Applies to All Drivers:

**Yes**

Enactment Date:

May 23, 2008

Effective Date:

July 1, 2008

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Petty Misdemeanor** – A fine of not more than **\$300**.  
MN ST § 169.89, subd. 2.

Exceptions:

Emergency use is permitted.

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - A permit holder or holder of a provisional license may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. MN ST § 171.05, subd. 2b(c);  
MN ST § 171.055, subd. 2(a).

Enactment Date:

July 14, 2005

Effective Date: June 1 , 2006  
 Sanctions:  
     Primary/Secondary Offense: **Primary**  
     Criminal Sanctions (Fine/Jail): **Petty Misdemeanor** – A fine of not more than **\$300**.  
     MN ST § 169.89, subd. 2.  
 Exceptions: Emergency use is permitted

**Other Prohibited Distractions:**

Other Distractions Law: **Yes** - No television screen shall be installed or used in any motor vehicle where images from the screen are visible to the driver while operating the motor vehicle.

No person while operating a motor vehicle shall wear headphones or earphones used in both ears simultaneously for purposes of listening to broadcasts or reproductions from radios, tape decks, or other sound-producing or transmitting devices. MN ST § 169.471.

Enactment Date: August 4, 1971  
 Effective Date: May 9, 2008  
 Sanctions:  
     Primary/Secondary Offense: **Primary**  
     Criminal Sanctions (Fine/Jail): **Petty Misdemeanor** – A fine of not more than **\$300**.  
     MN ST § 169.89, subd. 2.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****MISSISSIPPI**

Mississippi Code Annotated

“Cellular telephone” means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones.

“Personal digital assistant” means a wireless electronic communication device that provides for data communication other than by voice.

“Wireless communication device” means a device that uses a commercial mobile service including a cellular telephone or personal digital assistant. MS ST § 63-1-73.

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:  
Law Applies to All Drivers:  
Other Driver Sub-Categories:

**Yes****No**

**Yes - Bus drivers** – A person shall not use a wireless communication device while operating a passenger bus with a minor on the bus. MS ST § 63-1-73(2)(b).

Enactment Date:

April 4, 2011

Effective Date:

July 1, 2011

Sanctions:

Primary/Secondary Offense:  
Criminal Sanctions (Fine/Jail):  
Administrative Sanctions:

**Primary****Misdemeanor** – a fine not to exceed **\$500**.

N/A

Exceptions:

Emergency use is permitted as well as use by a school driver for official school business. MS ST § 63-1-73(2)(b), (3).

Other Information:

If the person violates the law at the time he is involved in a motor vehicle accident, the violation is punishable by a fine not to exceed **\$1,000**. MS ST § 63-1-73(4)(b).

No county, municipality or other political subdivision shall enact any ordinance restricting the use of cellular phones in any motor vehicle until such time as the State may authorize.

MS ST § 63-3-212.

**Restrictions on “Texting”:**

“Texting” Law:

**Yes**

Law Applies to All Drivers:

**No** – see provision for bus drivers, above, and provision for novice drivers, below.

Enactment Date:

December 1, 2010

Effective Date:

July 1, 2011

Sanctions:

Primary/Secondary Offense:  
Criminal Sanctions (Fine/Jail):

**Primary****Misdemeanor** – a fine not to exceed **\$500**.

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - A person who is authorized to drive under an intermediate license, a temporary learning permit or a temporary driving permit shall not operate a motor vehicle on a highway while using a wireless communication device to send or receive a written message while the motor vehicle is in motion. MS ST § 63-1-73(2)(a).

Enactment Date:

April 6, 2009

Effective Date:

July 1, 2009

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Misdemeanor** – a fine not to exceed **\$500**.

Exceptions:

Emergency use is permitted, and written messages sent or received while the vehicle is parked are permitted.

Other Information:

It appears novice drivers are prohibited from texting and driving only.

**Other Prohibited Distractions:**

Other Distractions Law:

**No**

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**Other Prohibited Distractions:**

Other Distractions Law:

**MISSOURI**

Missouri Statutes Annotated

“Hand-held electronic wireless communications device” includes any handheld cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic message, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle. MO ST § 304.820(5).

**No**

**Yes**

**No** – Law applies to novice drivers only.

**Yes** - No person age 21 or younger operating a moving motor vehicle upon any highway shall, by means of a handheld electronic wireless communications device, send, read or write a text message or electronic message. MO ST § 304.820.

July 9, 2009

October 2009

**Primary**

**Infraction** – a fine of not more than **\$200**. MO ST § 560.016.

2 points shall be assessed. MO ST § 302.302; MO ST § 304.820.

Emergency use and use of voice operated technology is permitted.

**No**

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Other Information:

## MONTANA

Montana Code Annotated

N/A

**No**

The cities of Bozeman and Helena issued local ordinances banning the use of handheld cell phones and texting in December 2011 and January 2012, respectively. Other cities have followed.

**Restrictions on “Texting”:**

“Texting” Law:

**No****Restrictions on Novice Drivers:**

Novice Driver Law(s):

Other Information:

**No**

The department of motor vehicles shall include in its publications intended for novice drivers information concerning the dangers of physical and cognitive distractions while driving, including but not limited to use of electronic devices. MT ST § 61-5-135.

**Other Prohibited Distractions:**

Other Distractions Law:

Other Information:

**No**

The department of motor vehicles, in consultation with the superintendent of public instruction, shall encourage schools providing traffic education to include in their curriculum information regarding the dangers of physical and cognitive distractions while driving. MT ST § 61-5-135.

**Summary of Legislative History:**

In 2011, the Senate rejected a bill that would have banned the use of handheld cell phones and other electronic devices while driving.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:**

## NEBRASKA

Revised Statutes of Nebraska

“Interactive wireless communication device” means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages, or a laptop computer. NE ST § 60-470.02.

“Handheld wireless communication device” means any device that provides for written communication between two or more parties and is capable of receiving, displaying, or transmitting written communication. It includes, but is not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant, a pager, or a laptop computer. NE ST § 60-6,179.01(5).

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes**

Law Applies to All Drivers:

**No** – Law applies to novice drivers only.

Other Driver Sub-Categories:

**No****Restrictions on “Texting”:**

“Texting” Law:

**Yes** - No person shall use a handheld wireless communication device to read a written communication, manually type a written communication, or send a written communication while operating a motor vehicle which is in motion. NE ST § 60-6,179.01.

Law Applies to All Drivers:

**Yes**

Enactment Date:

April 13, 2010

Effective Date:

July 15, 2010

Sanctions:

Primary/Secondary Offense:

**Secondary**

Criminal Sanctions (Fine/Jail):

**Traffic infraction - First offense - \$200;****Second offense - \$300;****Third or subsequent offense - \$500. NE ST § 60-6,179.01(4).**

Administrative Sanctions:

3 points shall be assessed. NE ST § 60-4,182(13); NE ST § 60-6,179.01(4).

Exceptions:

Emergency use and use by law enforcement officers, firefighters, ambulance drivers, or emergency medical technicians is permitted. NE ST § 60-6,179.01(2).

Other Information:

Written communication includes, but is not limited to, a text message, an instant message, electronic mail, and Internet websites. NE ST § 60-6,179.01(5)(b).

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - A holder of a provisional operator’s permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways. NE ST § 60-4,120.01(3)

A holder of a learner's or school permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways. NE ST § 60-4,123(3); NE ST § 60-4,124(3), (5).

Enactment Date: 2007

Effective Date: 2007

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

**Secondary**

**Traffic infraction - First offense - \$200;**

**Second offense - \$300;**

**Third or subsequent offense - \$500.** NE ST § 60-6,179.01(4).

Administrative Sanctions:

3 points shall be assessed. NE ST § 60-4,182(13);

NE ST § 60-6,179.01(4).

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - It shall be unlawful to operate on any public highway a motor vehicle which is equipped with or in which is located a television set so placed that the viewing screen is visible to the driver while operating such vehicle. NE ST § 60-6,287.

Enactment Date: April 6, 1993

Effective Date: 1993

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

**Primary**

**Class V Misdemeanor** – a fine of \$100. NE ST App. 2.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:**

## NEVADA

Nevada Revised Statutes

“Handheld wireless communications device” means a handheld device for the transfer or information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if the person has a license to operate it and the controls (other than microphone and control to speak into the microphone) are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held. NV ST § 484B, Section, 1(8).

“Telephonic device” means a cellular phone, satellite phone, portable phone or any other similar electronic device that is handheld and designed or used to communicate with another person. NV ST § 707.375(2).

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes** - A person shall not, while operating a motor vehicle on a highway, use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person. NV ST § 484B, Section 1(1)(b) (S.B. No. 140).<sup>9</sup>

Law Applies to All Drivers:

**Yes**

Other Driver Sub-Categories:

**Yes**

Enactment Date:

June 17, 2011

Effective Date:

January 1, 2012

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Misdemeanor –**First offense (within 7 years) – a fine of **\$50**;Second offense (within 7 years) – a fine of **\$100**;Third or subsequent offense (within 7 years) – a fine of **\$250**.

NV ST § 484B, Section 1(4).

Exceptions:

Emergency use, and use by public utility employees during the course of their employment is permitted. GPS or navigation devices that are affixed to the vehicle are permitted. Use of a hands free device or accessory is permitted.

Other Information:

Work/construction zones – A person shall not use a handheld cellular telephone or text while driving through a work or construction zone at a time when workers are present, or when the effects of the act may be aggravated because of the condition of the highway. The fine is doubled, not to exceed \$1,000. NV ST § 484B.130.

**Restrictions on “Texting”:**

“Texting” Law:

**Yes** - A person shall not, while operating a motor vehicle on a highway, manually type or enter into a cellular telephone or other

<sup>9</sup> As of March 2, 2012, the Nevada Revised Statutes, per Westlaw, did not include a section within Chapter 484B.

	handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in non-voice communications with another person, including, without limitation, texting electronic messages and instant messaging. NV ST § 484B, Section 1(1)(a).
Law Applies to All Drivers:	<b>Yes</b>
Enactment Date:	June 17, 2011
Effective Date:	January 1, 2012
Sanctions:	
Primary/Secondary Offense:	<b>Primary</b>
Criminal Sanctions (Fine/Jail):	<b>Misdemeanor</b> – <u>First offense</u> (within 7 years) – a fine of <b>\$50</b> ; <u>Second offense</u> (within 7 years) – <b>\$100</b> ; <u>Third or subsequent offense</u> (within 7 years) – <b>\$250</b> . NV ST § 484B, Section 1(4).
Exceptions:	Emergency use, and use by public utility employees during the course of their employment is permitted. GPS or navigation devices that are affixed to the vehicle are permitted.
<b><u>Restrictions on Novice Drivers:</u></b>	
Novice Driver Law(s):	<b>No</b> - There are no laws specifically addressing novice drivers.
<b><u>Other Prohibited Distractions:</u></b>	
Other Distractions Law:	<b>Yes</b> - A person shall not drive any motor vehicle equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat. NV ST § 484D.490.
Enactment Date:	1969
Effective Date:	2009
Sanctions:	
Primary/Secondary Offense:	<b>Primary</b>
Criminal Sanctions (Fine/Jail):	<b>Misdemeanor</b>
Administrative Sanctions:	N/A
Exceptions:	Television-type receiving equipment used exclusively for traffic safety, law enforcement or the navigation of a motor vehicle is permitted. NV ST § 484D.490(1).

STATE

General Reference:

**Electronic/Mobile Devices****Definition:**

NEW HAMPSHIRE

New Hampshire Revised Statutes Annotated

N/A

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**No****Restrictions on “Texting”:**

“Texting” Law:

**Yes** - A person operating a moving motor vehicle shall not write a text message or use two hands to type on or operate an electronic or telecommunications device. NH ST § 265:105-a.

Law Applies to All Drivers:

**Yes**

Enactment Date:

July 31, 2009

Effective Date:

January 1, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Violation** – a fine of **\$100**. NH ST § 265:105-a(II).**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**No** - There are no laws specifically addressing novice drivers.**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No person shall drive a motor vehicle while viewing a broadcast television image or a visual image from an image display device when the vehicle is in motion on a way.No person shall drive a motor vehicle with an image display device intended to be visible to the driver in a normal driving position when the vehicle is in motion and when restrained by the vehicle seat belts adjusted in accordance to the manufacturer’s recommendations.  
NH ST § 266:75

Enactment Date:

1949

Effective Date:

June 7, 2011

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Violation** – a fine of not more than **\$1,000**. NH ST § 651:2.

Administrative Sanctions:

N/A

Exceptions:

Emergency vehicle are permitted use. The following are permitted: image display devices which provide navigation information, vehicle information, enhance the driver’s view and monitor occupants seated behind the driver, provide traffic awareness information, or permit the driver to monitor horses or livestock.  
NH ST § 266:75(IV).

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****NEW JERSEY**

New Jersey Statutes Annotated

“Hands free wireless telephone” means 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 conversation without the use of either hand. NJ ST § 39:4-97.3

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes** - The use of a handheld wireless telephone or electronic communication device by an operator of a moving motor vehicle on a public road or highway shall be unlawful. NJ ST § 39:4-97.3(a).

Law Applies to All Drivers:

**Yes**

Other Driver Sub-Categories:

**Yes** - School bus drivers – It shall be unlawful for the driver of a school bus to use a cellular or other wireless telephone while operating the school bus. NJ ST § 39:3B-25.

Original Enactment Date

January 20, 2004 (Effective 7/1/04)

Date of Last Action:

November 2, 2007

Effective Date:

March 1, 2008

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

A fine of **\$100**. School bus drivers - A fine of not less than **\$250** or more than **\$500**. NJ ST § 39:3B-25.

Administrative Sanctions:

No motor vehicle points or automobile insurance eligibility shall be assessed for a violation.

Exceptions:

Emergency use is permitted, along with use by emergency and law enforcement personnel. NJ ST § 39:4-97.3; NJ ST § 39:4-97.4.

**Restrictions on “Texting”:**

“Texting” Law:

**Yes** - The use of a handheld wireless telephone or electronic communication device by an operator of a moving motor vehicle on a public road or highway shall be unlawful. NJ ST § 39:4-97.3(a).

Law Applies to All Drivers:

**Yes**

Enactment Date:

November 2, 2007

Effective Date:

March 1, 2008

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

A fine of **\$100**.

Administrative Sanctions:

No motor vehicle points or automobile insurance eligibility shall be assessed for a violation.

Exceptions:

Emergency use is permitted, along with use by emergency and law enforcement personnel. NJ ST § 39:4-97.3; NJ ST § 39:4-97.4.

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - The holder of the special learner’s permit, examination permit or probationary license<sup>10</sup> shall not use any handheld or hands-free

<sup>10</sup> Effectively, this includes drivers under the age of 21 with probationary licenses or learner’s permits.

interactive wireless communication device while operating a moving passenger automobile on a public road or highway.  
 NJ ST § 39:3-13; NJ ST § 39:3-13.2a; NJ ST § 39:3-13.4

Enactment Date: Unknown  
 Effective Date: It appears novice driver laws have been effective since at least 2004.  
 Sanctions:  
   Primary/Secondary Offense: **Primary**  
   Criminal Sanctions (Fine/Jail): A fine of **\$100**.  
   Administrative Sanctions: Possible suspension of the learner’s permit for 90 days and completion of a remedial training course of not less than 4 hours.  
 NJ ST § 39:3-13; NJ ST § 39:3-13.2a; NJ ST § 39:3-13.4.

Other Information: “Use” shall include, but not be limited to, talking or listening on any handheld or hands-free interactive wireless communication device or operating its keys, buttons or other controls. NJ ST § 39:3-13.2a.

**Other Prohibited Distractions:**

Other Distractions Law: **Yes** - It shall be unlawful to operate upon a public highway a motor vehicle which is equipped with or in which is located a television set so placed that the viewing screen thereof is visible to the driver while operating such vehicle. NJ ST § 39:3A-1.

Enactment Date: 1951  
 Effective Date: 1951  
 Sanctions:  
   Primary/Secondary Offense: **Primary**  
   Criminal Sanctions (Fine/Jail): A fine of not more than **\$50** and/or imprisonment not to exceed **10 days**. NJ ST § 39:3A-2.

**Summary of Legislative History:**

In 2007, use of a handheld cell phone and sending text messages became a primary offense. New Jersey was one of the first States to ban handheld cell phone use and text messaging while driving in 2004.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of****Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

Other Information:

**Restrictions on "Texting":**

"Texting" Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

Other Information:

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

## NEW MEXICO

New Mexico Statutes Annotated; Code of New Mexico Rules

N/A

**Yes****No****Yes - Driving instructors/students:** No driving instructor shall use a cell phone during behind-the-wheel training. NM ADC § 18.20.3.13(D).Authorized drivers of State vehicles: Authorized drivers shall only utilize a cell phone with a hands-free device while operating a State vehicle, whether in-State, out-of-State or out-of-country. NM ADC § 1.5.3.14(E).

Unknown

January 1, 2003; August 14, 2008 (drivers of State vehicles)

**Primary**

None listed

Driving instructors: License revocation or suspension may occur. NM ADC § 18.20.3.20(A)(9).Authorized drivers of State vehicles: License revocation or suspension may occur. NM ADC § 1.5.3.15(B).

Emergency use is permitted.

Some local ordinances may restrict the use of a cell phone while driving.

**No –****No**

Unknown

January 1, 2003; August 14, 2008 (drivers of State vehicles)

**Primary**

None listed

Driving instructors: License revocation or suspension may occur. NM ADC § 18.20.3.20(A)(9).Authorized drivers of State vehicles: License revocation or suspension may occur. NM ADC § 1.5.3.15(B).

Emergency use by driving instructors may be permitted.

Some local ordinances may restrict texting while driving.

**Yes - Driving students:** License revocation or suspension may occur. NM ADC § 18.20.3.20(A)(9).

Enactment Date: Unknown  
 Effective Date: January 1, 2003  
 Sanctions:  
     Primary/Secondary Offense: **Primary**  
     Criminal Sanctions (Fine/Jail): None listed  
     Administrative Sanctions: Driving students: License revocation or suspension may occur. NM ADC § 18.20.3.20(A)(9).  
 Exceptions: Emergency use permitted

**Other Prohibited Distractions:**

Other Distractions Law: **Yes** - It is unlawful to operate any motor vehicle equipped with a television screen upon which images may be projected or shown if the screen is within the normal view of the driver of the motor vehicle. NM ST § 66-7-358.

Enactment Date: 1989  
 Effective Date: 1989  
 Sanctions:  
     Primary/Secondary Offense: **Primary**  
     Criminal Sanctions (Fine/Jail): None listed  
     Administrative Sanctions: N/A  
 Exceptions: A television used solely as an aid to the driver in the operation of the motor vehicle is permitted. Monitors or terminals used by law enforcement agencies are permitted. NM ST § 66-7-358.

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:**

## NEW YORK

McKinney's Consolidated Laws of New York

"Mobile telephone" means the device used by subscribers and other users of wireless telephone service to access such service.

"Hand-held mobile telephone" means a mobile telephone with which a user engages in a call using at least one hand.

"Hands free mobile telephone" means a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanent, 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. NY Veh & Traf § 1225-c(1).

"Portable electronic device" means any handheld mobile telephone, personal digital assistant, handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device. NY Veh & Traf § 1225-d.

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes** - No person shall operate a motor vehicle upon a public highway while using a hand-held mobile telephone to engage in a call while such vehicle is in motion. NY Veh & Traf § 1225-c(2), (3); 21 NY ADC § 1152.26(b).

Law Applies to All Drivers:

**Yes**

Other Driver Sub-Categories:

**Yes** - Public employees – State employees shall not use hand-held mobile telephones while operating State or personal motor vehicles on public highways when conducting State business, and shall not use handheld mobile telephones while operating State motor vehicles on public highways. 9 NY ADC § 5.110.

Enactment Date:

June 28, 2001

Effective Date:

December 1, 2001

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Traffic infraction** – a fine of not more than **\$100**.

Exceptions:

Emergency use and use by law enforcement/emergency response personnel permitted.

Other Information:

There is a rebuttable presumption that an operator of a motor vehicle who holds a mobile telephone to, or in the proximity of his/her ear, while such vehicle is in motion is engaging in a call in violation of the law. NY Veh & Traf § 1225-c(2)(b).

**Restrictions on "Texting":**

"Texting" Law:

**Yes** - No person shall operate a motor vehicle while using any portable electronic device while such vehicle is in motion. NY Veh & Traf § 1225-d; 21 NY ADC § 1152.26(b).

Law Applies to All Drivers:	<b>Yes</b>
Original Enactment Date	August 26, 2009 (Effective 11/1/09)
Date of Last Action:	July 12, 2011
Effective Date:	July 12, 2011
Sanctions:	
Primary/Secondary Offense:	<b>Primary</b>
Criminal Sanctions (Fine/Jail):	<b>Traffic Infraction</b> – a fine of not more than <b>\$150</b> . NY Veh & Traf § 1225-d(6).
Administrative Sanctions:	3 driver penalty points*
Exceptions:	Emergency use to communicate with law enforcement, emergency response personnel or healthcare offices is permitted.
Other Information:	There is a rebuttable presumption that any person who holds a portable electronic device in a conspicuous manner while operating a motor vehicle is presumed to be using such device. NY Veh & Traf § 1225-d(4).
<b><u>Restrictions on Novice Drivers:</u></b>	
Novice Driver Law(s):	<b>No</b> - There are no laws specifically addressing novice drivers.
<b><u>Other Prohibited Distractions:</u></b>	
Other Distractions Law:	<b>No</b>
<b><u>Summary of Legislative History:</u></b>	NY's original texting law was upgraded from secondary to primary enforcement on 7/12/2011. *Also effective 7/12/2011, the Governor increased the penalty for using a cellular phone without a hands-free device or a handheld device while driving from two to three points through changes in state regulations. NY Department of Motor Vehicles.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**NORTH CAROLINA**

North Carolina General Statutes

“Mobile telephone” means a handheld or hands-free device used by subscribers and other users of wireless telephone service to access the service.

“Additional technology” means any technology that provides access to digital media including, but not limited to, a camera, music, the Internet, or games. The term does not include electronic mail or text messaging. NC ST § 20-137.3(a).

**Restrictions on the Use of**

**Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:  
Law Applies to All Drivers:  
Other Driver Sub-Categories:

**Yes**

**No**

**Yes - School bus drivers** – No person shall operate a school bus on a public street or highway or public vehicular area while using a mobile telephone or any additional technology associated with a mobile telephone while the school bus is in motion. NC ST § 20-137.4.

Enactment Date:

July 23, 2007

Effective Date:

December 1, 2007

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Class 2 misdemeanor** – a fine of not less than **\$100**.

Administrative Sanctions:

No points or insurance surcharge shall be assessed.

Exceptions:

Emergency use permitted.

Other Information:

No local government may pass any ordinance regulating the use of mobile telephones or additional technology associated with a mobile telephone by operators of school buses. NC ST § 20-137.4(e).

**Restrictions on “Texting”:**

“Texting” Law:

**Yes** - It shall be unlawful for any person to operate a motor vehicle on a public street or highway or public vehicular area while using a mobile telephone to send or read text messages. NC ST § 20-137.4A(a).

Law Applies to All Drivers:

**Yes**

Enactment Date:

June 19, 2009

Effective Date:

December 1, 2009

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Infraction** – **\$100** fine and court costs. NC ST § 20-137.4A(c).

Administrative Sanctions:

No points or insurance surcharge shall be assessed.

Exceptions:

Use by emergency personnel permitted. GPS and voice-operated technology is permitted. NC ST § 20-137.4A(b).

Other Information:

Texting while operating a school bus is a Class 2 misdemeanor, punishable by a fine of not less than **\$100** or more than **\$1,000**. NC ST § 20-137.4A(c).

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - No person under the age of 18 shall operate a motor vehicle on a public street or highway or public vehicular area while using a mobile telephone or any additional technology associated with a mobile telephone while the vehicle is in motion. NC ST § 20-137.3(b).

Enactment Date:

August 1, 2006

Effective Date:

December 1, 2006

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Infraction** – a fine of **\$25**.

Administrative Sanctions:

No points, insurance surcharge or court costs shall be assessed.

Exceptions:

Emergency use or communication with parent, legal guardian or spouse permitted.

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No person shall drive any motor vehicle upon a public street or highway or public vehicular area while viewing any television, computer, or video player which is located in the motor vehicle at any point forward of the back of the driver's seat, and which is visible to the driver while operating the motor vehicle. NC ST § 20-136.1.

Enactment Date:

July 31, 2009

Effective Date:

October 1, 2009

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Infraction** – a fine of not more than **\$100**. NC ST § 14-3.1.

Administrative Sanctions:

N/A

Exceptions:

Use by emergency response personnel permitted. GPS, dispatch devices or vehicle safety equipment are permitted.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**NORTH DAKOTA**

North Dakota Century Code Annotated

“Electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes e-mail, text message, instant message, a command or request to access a worldwide web page, or other data that uses a commonly recognized electronic communications protocol. ND ST § 39-08-23(2).

“Electronic communications device” means an electronic device, including a wireless telephone, personal digital assistant, a portable or mobile computer or other device, and video display equipment. ND ST § 39-01-01.

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:  
Law Applies to All Drivers:  
Other Driver Sub-Categories:

**Yes**  
**No**  
**Yes** – Law applies to novice drivers only.

**Restrictions on “Texting”:**

“Texting” Law:

**Yes** - The operator of a motor vehicle that is part of traffic may not use a wireless communications device to compose, read, or send an electronic message. ND ST § 39-08-23(1).

Law Applies to All Drivers:  
Enactment Date:  
Effective Date:  
Sanctions:

**Yes**  
April 26, 2011  
August 1, 2011

Primary/Secondary Offense:  
Criminal Sanctions (Fine/Jail):  
Administrative Sanctions:

**Primary**  
A fee of **\$100**. ND ST § 39-06.1-06(2)(d).  
N/A

Exceptions:

Emergency use is permitted.

**Restrictions on Novice Drivers:**

Distracted Driving Related  
Novice Driver Law(s):

**Yes** - An individual at least 16 years of age who has been issued a class D license may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion. ND ST § 39-08-24.

Enactment Date:  
Effective Date:  
Sanctions:

April 26, 2011  
August 1, 2011

Primary/Secondary Offense:  
Criminal Sanctions (Fine/Jail):

**Primary**  
A fee of **\$100**. ND ST § 39-06.1-06(2)(e).

Exceptions:

Emergency use is permitted.

**Other Prohibited Distractions:**

Other Distractions Law:

**No**

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of****Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**OHIO**

Ohio Revised Code Annotated

Any of the following: a wireless telephone; personal digital assistant; computer, including a laptop or tablet; text-messaging device.

**Yes OH RC §4511.205****No**

Law applies to novice drivers &lt; 18 only.

06/01/12

08/30/12

**Primary****Misdemeanor.**First Offense:- \$150Second or subsequent offense: \$300 fine.First Offense: 60-day suspension of license.Second or subsequent offense: Loss of license for one year.

Emergency use is permitted; a public safety vehicle used for public duties; in a stationary position and outside a lane of travel; entering a name or telephone number to make or receive a telephone call; receiving wireless messages via radio waves; using a device for navigation purposes; operating a commercial truck while using a mobile data terminal that transmits and receives data; using an electronic wireless communications device in conjunction with a voice-operated or hands-free device function of the vehicle.

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**Yes OH RC §4511.204****Yes**

06/01/12

08/30/12

**Misdemeanor.** First Offense - \$150.**Secondary****Restrictions on Novice Drivers:**

Distracted Driving Related

Novice Driver Law(s):

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

**Yes OH RC §4511.205**

06/01/12

08/30/12

**Primary****Other Prohibited Distractions:**

Other Distractions Law:

**No**

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****OKLAHOMA**

Oklahoma Statutes Annotated

“Hand-held electronic device” means a mobile telephone or electronic device with which a user engages in a telephone call, plays or stores media, including but not limited to music and video, or sends or reads a text message while requiring the use of at least one hand.

OK ST TI 47 § 6-105(J).

“Cellular telephone” means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones.

“Electronic communications device” means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication.  
OK ST TI 47 § 11-901c(C).

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes**

Law Applies to All Drivers:

**No**

Other Driver Sub-Categories:

**Yes - Public transit drivers** – It shall be unlawful for a public transit driver to operate a motor vehicle on any street or highway while using a cellular telephone or electronic communication device to write, send or read a text-based communication while the vehicle is in motion.

OK ST TI 47 § 11-901c.

Enactment Date:

June 6, 2010

Effective Date:

November 1, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Misdemeanor** – a fine of **\$500**.

Other Information:

This includes school bus drivers.

**Restrictions on “Texting”:**

“Texting” Law:

**Yes** - It shall be unlawful for a public transit driver to operate a motor vehicle on any street or highway while using a cellular telephone or electronic communication device to write, send or read a text-based communication while the vehicle is in motion.

OK ST TI 47 § 11-901c.

Law Applies to All Drivers:

**No**

Enactment Date:

June 6, 2010

Effective Date:

November 1, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Misdemeanor** – a fine of **\$500**.

Other Information:

This includes school bus drivers.

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - Any underage holder of a learner permit or intermediate license shall not use a handheld electronic device while operating a motor

vehicle. OK ST TI 47 § 6-105(F).  
 Enactment Date: June 6, 2010  
 Effective Date: November 1, 2010  
 Sanctions:  
   Primary/Secondary Offense: **Primary**  
   Criminal Sanctions (Fine/Jail): A fine of **\$100**.  
   Administrative Sanctions: License/permit may be suspended or cancelled.  
   OK ST TI 47 § 6-105(F).  
 Exceptions: Emergency use is permitted.

**Other Prohibited Distractions:**

Other Distractions Law: **Yes** - The operator of every vehicle, while driving, shall devote their full time and attention to such driving. OK ST TI 47 § 11-901b.  
 Enactment Date: April 21, 2003  
 Effective Date: November 1, 2003  
 Sanctions:  
   Primary/Secondary Offense: **Primary**  
   Criminal Sanctions (Fine/Jail): **Misdemeanor** – a fine of not less than **\$5** or more than **\$500**. OK ST TI 47 § 17-101(C), (D).  
 Other Information: No law enforcement officer shall issue a citation unless the law enforcement officer observes that the operator is involved in an accident or observes the operator driving in such a manner that poses articulable danger to other persons on the roadway that is not otherwise specified in the statute. OK ST TI 47 § 11-901b.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Original Enactment Date

Date of Last Action:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

**Restrictions on Novice Drivers:**

Distracted Driving Related  
Novice Driver Law(s):

Enactment Date:

Effective Date:

**OREGON**

Oregon Revised Statutes

“Mobile communication device” means a text messaging device or a wireless two-way communication device designed to receive and transmit voice or text communication. OR ST § 811.507.

**Yes** - No person age 18 and over shall operate a motor vehicle on a highway while using a handheld mobile communication device. OR ST § 811.507(2).

**Yes**

**Yes**

July 1, 2007

July 28, 2009

January 1, 2010

**Primary**

**Class D Traffic Violation** – A maximum fine of **\$250**.  
OR ST § 153.018.

The following use is permitted: emergency use, farming or agricultural operations, operators of an ambulance or emergency vehicle, use to provide public safety or emergency services, use by public safety officers, tow vehicle operators, amateur radio operators operating an amateur radio, utility workers. OR ST § 811.507(3).

**Yes** - No person shall operate a motor vehicle on a highway while using a handheld mobile communication device. OR ST § 811.507(2).

**Yes**

July 31, 2007

January 1, 2008

**Primary**

**Class D Traffic Violation** – A maximum fine of **\$250**. OR ST § 153.018.

The following use is permitted: emergency use, farming or agricultural operations, operators of an ambulance or emergency vehicle, use to provide public safety or emergency services, use by public safety officers, tow vehicle operators, amateur radio operators operating an amateur radio, utility workers. OR ST § 811.507(3).

**Yes** - No driver under the age of 18 shall operate a motor vehicle on a highway while using a mobile communication device.  
OR ST § 811.507(2).

July 28, 2009

January 1, 2010

Sanctions:

Primary/Secondary Offense: **Primary**  
 Criminal Sanctions (Fine/Jail): **Class D Traffic Violation** – A maximum fine of **\$250**.  
 OR ST § 153.018.

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - A person commits the offense of unlawful use of an image display device if the person drives or moves on any highway, or owns and causes or knowingly permits to be driven or moved on any highway, any motor vehicle equipped with any image display device that is displaying a broadcast television image or a visual image from a digital video disc or video cassette player that is visible to the driver while operating the motor vehicle. OR ST § 815.240.

Enactment Date:

July 20, 2005

Effective Date:

2005

Sanctions:

Primary/Secondary Offense: **Primary**  
 Criminal Sanctions (Fine/Jail): **Class B Traffic Violation** – a maximum fine of **\$1,000**.  
 Administrative Sanctions: N/A

Exceptions:

Use by emergency vehicles and navigation purposes is permitted.

The original hand-held ban enacted in 2007 was upgraded from secondary to primary, effective 1/1/10.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**PENNSYLVANIA**

Pennsylvania Statutes Annotated

“Interactive wireless communications device” means a wireless telephone, personal digital assistant, smart phone, portable or mobile computer or similar device which can be used for voice communication, texting, e-mailing, browsing the Internet or instant messaging. 75 Pa.C.S.A. § 102.

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**No**

**Restrictions on “Texting”:**

“Texting” Law:

**Yes** - No driver shall operate a motor vehicle on a highway or traffic way while using an interactive wireless communications device to send, read or write a text-based communication while the vehicle is in motion. 75 Pa.C.S.A. § 3316(a).

Law Applies to All Drivers:

**Yes**

Enactment Date:

November 9, 2011

Effective Date:

March 8, 2012

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Summary offense** – a fine of **\$50**. 75 Pa.C.S.A. § 3316(d).

Exceptions:

GPS devices, devices physically or electronically integrated into the vehicle and communications devices affixed to a mass transit vehicle, bus or school bus are permitted. 75 Pa.C.S.A. § 102.

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**No** - There are no laws specifically addressing novice drivers.

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No motor vehicle operated on a highway shall be equipped with television-type receiving equipment forward of the back of the driver’s seat or otherwise visible to the driver. 75 Pa.C.S.A. § 4527.

Enactment Date:

April 29, 1994

Effective Date:

1994

Sanctions:

**Primary**

Primary/Secondary Offense:

**Summary Offense** – a fine of **\$25**. 75 Pa.C.S.A. § 6502.

Criminal Sanctions (Fine/Jail):

Exceptions:

Equipment used by law enforcement safety and in-vehicle navigation systems is permitted.

**Summary of Legislative History:**

The texting while driving law went into effect March 8, 2012.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**Restrictions on the Use of**

**Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Other Information:

**PUERTO RICO**

Laws of Puerto Rico Annotated

N/A

**No**

A ban on the use of handheld cell phones while driving will go into effect in January 2013.

**Restrictions on “Texting”:**

“Texting” Law:

**No**

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**No**

**Other Prohibited Distractions:**

Other Distractions Law:

**No**

**Summary of Legislative History:**

N/A

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:  
Law Applies to All Drivers:  
Other Driver Sub-Categories:

Enactment Date:  
Effective Date:  
Sanctions:

Primary/Secondary Offense:  
Criminal Sanctions (Fine/Jail):  
Exceptions:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:  
Enactment Date:  
Effective Date:  
Sanctions:

Primary/Secondary Offense:  
Criminal Sanctions (Fine/Jail):

Exceptions:

**Restrictions on Novice Drivers:**

Distracted Driving Related  
Novice Driver Law(s):  
Enactment Date:  
Effective Date:  
Sanctions:

Primary/Secondary Offense:  
Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

**RHODE ISLAND**

General Laws of Rhode Island

“Wireless handset” means a portable electronic or computing device, including cellular telephones and digital personal assistants, capable of transmitting data in the form of a text message. RI ST § 31-22-30(a)(8).

**Yes**

**No**

**Yes - School bus drivers** – The use of a cell phone by a school bus driver is prohibited while the bus is transporting children.  
RI ST § 31-22-11.8.

June 28, 2002  
2002

**Primary**

A fine of **\$50**.

Emergency use is permitted.

**Yes** - No person shall use a handheld wireless handset to compose, read or send text messages while operating a motor vehicle on any public street or public highway. RI ST § 31-22-30(b).

**Yes**

November 9, 2009  
November 9, 2009

**Primary**

First conviction – a fine of **\$85**;

Second conviction – a fine of **\$100**;

Third or subsequent conviction – a fine of **\$125**.

RI ST § 31-22-30(e).

Emergency use and use by emergency response personnel and law enforcement is permitted.

**Yes** - The use of a cell phone by a minor while operating a motor vehicle shall be prohibited. RI ST § 31-22-11.9.

July 6, 2006  
July 6, 2006

**Primary**

First and second convictions - **\$50**;

Third or subsequent conviction - **\$100**, possible.

RI ST § 31-22-11.9.

For a third or subsequent conviction, possible loss of license until the offender’s 18<sup>th</sup> birthday instead or in addition to a fine of \$100.  
RI ST § 31-22-11.9.

Exceptions: Emergency use is permitted.  
Other Information: A “minor” is a person under the age of 18.

**Other Prohibited Distractions:**

Other Distractions Law: **Yes** - No television viewer, screen, or other means of visually receiving a television broadcast shall be located in the field of view of the operator of the motor vehicle. RI ST § 31-23-38.

Enactment Date: July 2, 1999  
Effective Date: 1999

Sanctions: **Primary**  
Primary/Secondary Offense: A fine of not more than **\$100**. RI ST § 31-23-38.  
Criminal Sanctions (Fine/Jail): An electronic display used exclusively for safety or in conjunction with a navigation system is permitted. RI ST § 31-23-38.

Exceptions:  
Other Information:

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

## SOUTH CAROLINA

Code of Laws of South Carolina Annotated

N/A

No

**Restrictions on “Texting”:**

“Texting” Law:

No

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

No

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No person shall drive a motor vehicle equipped with any image display device which is located at any point forward of the back of the driver’s seat, or which is directly or indirectly visible to the driver while operating the motor vehicle. SC ST § 56-5-4440(B).

Enactment Date:

June 5, 2008

Effective Date:

June 11, 2008

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Misdemeanor** – a fine of not more than **\$100** or imprisonment for not more than **30 days**. SC ST § 56-5-4440(D).

Exceptions:

Emergency vehicle are permitted use. Image display devices that enhance the driver’s view or permit him/her to monitor occupants, provide the driver with navigation, road, traffic or weather information, or vehicle information are permitted.

SC ST § 56-5-4440(E).

Other Information:

An “image display device” means equipment capable of displaying to the driver of the motor vehicle a broadcast television image or a visual image, other than text, from a digital video disc or other storage device. SC ST § 56-5-4440(A).

**Summary of Legislative History:**

Bills to outlaw text messaging while driving were submitted to the legislature. Columbia, the State capital, was given approval to ban texting while driving in March 2011.

STATE

General Reference:

**Electronic/Mobile Devices  
Definition:****SOUTH DAKOTA**

South Dakota Codified Laws

N/A

**Restrictions on the Use of  
Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**No****Restrictions on “Texting”:**

“Texting” Law:

**No****Restrictions on Novice Drivers:**

Novice Driver Law(s):

**No****Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle in such a position that it is visible to the driver while operating the motor vehicle. SD ST § 32-15-9.

Enactment Date:

1977

Effective Date:

1977

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Petty Offense** – a “judgment” of **\$25**. SD ST § 23-1A-22.**Summary of Legislative History:**

A bill banning texting while driving has been submitted to the legislature.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

TENNESSEE

Tennessee Code Annotated

“Mobile telephone” means a cellular, analog, wireless or digital device that provides for voice communication and for data communication other than by voice.

“Personal digital assistant” means a wireless electronic communication device that provides for data communication other than by voice.

TN ST § 55-8-192(b); TN ST § 55-8-199(a).

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes**

Law Applies to All Drivers:

**No**

Other Driver Sub-Categories:

**Yes - School bus drivers** – No driver shall operate a school bus on any highway while using a hand held mobile telephone while the vehicle is in motion and the vehicle is transporting children. TN ST § 55-8-192(a).

Enactment Date:

May 22, 2003

Effective Date:

July 1, 2003

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Class C misdemeanor** – a fine of **\$50**. TN ST § 55-8-192(c).

Administrative Sanctions:

N/A

Exceptions:

Use of a mobile telephone or two-way radio communication device to and from a central dispatch, school transportation department or its equivalent is permitted. TN ST § 55-8-192(a).

Other Information:

It is an affirmative defense, which must be proven by a preponderance of the evidence, that the driver’s use of a mobile telephone was necessitated by a bona fide emergency. TN ST § 55-8-192(d).

**Restrictions on “Texting”:**

“Texting” Law:

**Yes** - No person while driving a motor vehicle on any public road or highway shall use a handheld mobile telephone or a handheld personal digital assistant to transmit or read a written message. TN ST § 55-8-199(b).

Law Applies to All Drivers:

**Yes**

Enactment Date:

May 13, 2009

Effective Date:

July 1, 2009

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Class C misdemeanor** – a fine of not more than **\$50** and court costs not more than **\$10**. TN ST § 55-8-199(d).

Administrative Sanctions:

No points shall be assessed for this non-moving violation. TN ST § 55-8-199(f).

Exceptions:

Law enforcement, public safety officers, emergency first-responders and emergency management agency officers are permitted so long as it is within the course of their official duties. TN ST § 55-8-199(e).

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - No driver possessing a learner permit or intermediate driver license shall operate a motor vehicle in motion on any highway while using a handheld cellular telephone, cellular car phone, or other mobile telephone. TN ST § 55-50-311(n).

Enactment Date:

May 27, 2005

Effective Date:

July 1, 2005

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Class C misdemeanor** – a fine of **\$50**. TN ST § 55-50-311(n)(2).

Administrative Sanctions:

The driver shall be ineligible to apply for an intermediate or unrestricted driver license for an additional 90 days from the time the driver would otherwise be eligible to obtain the license type. TN ST § 55-50-311(n)(2)(B).

Other Information:

It is an affirmative defense, which must be proven by a preponderance of the evidence, that the driver's use of a handheld cellular telephone or cellular car phone was necessitated by a bona fide emergency. The use of a mobile phone while operating a vehicle by any driver who is age 18 or less to communicate with the person's custodial parents shall be deemed a bona fide emergency and shall not be a violation. TN ST § 55-50-311(n)(3).

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - A person shall not operate a motor vehicle with a television receiver, a video monitor, or a television or video screen capable of displaying a television broadcast or video signal that produces entertainment or business applications, if the receiver, monitor or screen is intended to display images visible to the driver in a normal position when the vehicle is in motion. TN ST § 55-9-105.

Enactment Date:

March 28, 2007

Effective Date:

July 1, 2007

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Class C misdemeanor** – not more than **30 days** imprisonment and/or not more than **\$50**. TN ST § 55-9-105(e); TN ST § 40-35-111.

Exceptions:

Law enforcement engaged in official duties is permitted use. Equipment that enhances the driver's view, provides the driver with navigation or vehicle information, or allows monitoring of livestock being transported is permitted. Displays or monitors used in utility vehicles by employees in the course of their duties are permitted. TN ST § 55-9-105(c).

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Other Information:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

Enactment Date:

Effective Date:

## TEXAS

Texas Revised Statutes Annotated

“Wireless communication device” means a device that uses a commercial mobile service. TX Transp § 545-425(a).

**Yes****No****Yes - Drivers in school zones:** An operator may not use a handheld wireless communication device while operating a motor vehicle within a school crossing zone. TX Transp § 545.425(b).**Bus drivers:** An operator may not use a wireless communication device while operating a passenger bus with a minor passenger unless the bus is stopped. TX Transp § 545.425(c).

June 19, 2009

September 1, 2009

**Primary****Misdemeanor** – not less than **\$1** or more than **\$200**.

TX Transp § 524.401.

It is an affirmative defense if the wireless communication device was used to make an emergency call, or if warning signs were not posted at, near or within the school crossing zone or at the city limit. TX Transp § 545.425(d).

**Yes****No - Drivers in school zones:** An operator may not use a hand held wireless communication device while operating a motor vehicle within a school crossing zone. TX Transp § 545.425(b).**Bus drivers:** An operator may not use a wireless communication device while operating a passenger bus with a minor passenger unless the bus is stopped. TX Transp § 545.425(c).

June 19, 2009

September 1, 2009

**Primary****Misdemeanor** – not less than **\$1** or more than **\$200**.

TX Transp § 524.401.

**Yes** - A person under 18 years of age or a person under 17 years of age who holds a restricted motorcycle or moped license may not operate a motor vehicle while using a wireless communications device.

TX Transp § 545.424(a), (b).

June 17, 2011

September 1, 2011

Sanctions:  
 Primary/Secondary Offense: **Secondary**  
 Criminal Sanctions (Fine/Jail): **Misdemeanor** – not less than **\$1** or more than **\$200**.  
 TX Transp § 524.401.  
 Exceptions: Emergency use is permitted.  
 Other Information: “Wireless communications device” means a handheld or hands-free device that uses commercial mobile service. TX Transp § 545.424(f).

**Other Prohibited Distractions:**

Other Distractions Law: **Yes** - A motor vehicle may be equipped with video receiving equipment, including a television, a digital video disc player, a videocassette player, or similar equipment, only if the equipment is located so that the video display is not visible from the operator’s seat unless the vehicle’s transmission is in park or the vehicle’s parking brake is applied. TX Transp § 547.611.

Enactment Date: 1997

Effective Date: 1997

Sanctions:  
 Primary/Secondary Offense: **Primary**  
 Criminal Sanctions (Fine/Jail): **Misdemeanor** – not less than **\$1** or more than **\$200**.  
 TX Transp § 524.401.  
 Exceptions: Equipment used for receiving information for commercial purposes, or safety or law enforcement purpose, in a remote transmission truck, or is exclusively used for the performance of equipment installed on a vehicle for safety in connection with the operations of a natural gas, water or electric utility is permitted. Navigation display is permitted. TX Transp § 547.611(c).

**Summary of Legislative History:**

On June 17, 2011, the governor of Texas vetoed the Legislature’s plan to ban text messaging for all drivers.

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

Other Information:

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Other Prohibited Distractions:**

Other Distractions Law:

Enactment Date:

Effective Date:

Sanctions:

UTAH

Utah Code Annotated

“Handheld wireless communication device” means a handheld device used for the transfer of information without the use of electrical conductors or wires. It includes a wireless telephone, personal digital assistant, pager or text messaging device. UT ST § 41-6a-1716(1).

**No** (but see Other Prohibited Distractions below).

**Yes** - A person may not use a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle on a highway.

UT ST § 41-6a-1716(2).

**Yes**

March 25, 2009

May 12, 2009

**Primary**

**Class C Misdemeanor** – a term of imprisonment of not more than **90 days** and/or a fine of not more than **\$750**. UT ST § 41-6a-1716(4); UT ST § 76-3-204; UT ST § 76-3-301.

Emergency use and use by law enforcement personnel is permitted. UT ST § 41-6a-1716(3).

If the driver has also inflicted serious bodily injury as a proximate result of using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle on a highway, then the driver is guilty of a Class B Misdemeanor, punishable by a term of imprisonment of not more than 90 days and/or a fine of not more than \$1,000. UT ST § 41-6a-1716(4); UT ST § 76-3-204; UT ST § 76-3-301.

**No** - There are no laws specifically addressing novice drivers.

**Yes** - A person operating a motor vehicle is guilty of careless driving if the person commits a moving traffic violation while being distracted by one or more activities taking place within the vehicle that are not related to the operation of the motor vehicle including using a handheld wireless telephone or other electronic device, searching for an item in the vehicle or attending to personal hygiene or grooming. UT ST § 41-6a-1715(1)(b).

March 7, 2007

April 30, 2007

<p>Primary/Secondary Offense:</p> <p>Criminal Sanctions (Fine/Jail):</p> <p>Administrative Sanctions:</p>	<p><b>Secondary</b></p> <p><b>Class C Misdemeanor</b> – a term of imprisonment of not more than <b>90 days</b> and/or a fine of not more than <b>\$750</b>. UT ST § 41-6a-1715(2); UT ST § 76-3-204; UT ST § 76-3-301.</p> <p>A judge may order revocation of the driver’s license if the violations causes or results in the death of another person. UT ST § 41-6a-1715(3); UT ST § 76-3-204; UT ST § 76-3-301.</p>
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## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**Restrictions on Novice Drivers:**

Distracted Driving Related

Novice Driver Law(s):

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**Other Prohibited Distractions:**

Other Distractions Law:

Enactment Date:

Effective Date:

## VERMONT

Vermont Statutes Annotated

“Portable electronic device” means a portable electronic or computing device including a cellular telephone, personal digital assistant, or laptop computer. VT ST TI 23 § 4(82).

**Yes****No** – Law applies to novice drivers only.**No****Yes** - A person shall not engage in texting while operating a moving motor vehicle on a highway. VT ST TI 23 § 1099(b).**Yes**

June 1, 2010

June 1, 2010

**Primary****Traffic Infraction:**First violation – a penalty of **\$100**;Second or subsequent violation (within 2 years) – a penalty of **\$250**.  
VT ST TI 23 § 1099(c).First violation – 2 points shall be assessed.Second or subsequent violation – 5 points shall be assessed.

VT ST TI 23 § 2502(a)(1)(MM), (4).

Use of GPS or navigation is permitted.

**Yes** - A person under the age of 18 shall not use any portable electronic device while operating a moving motor vehicle on a highway. VT ST TI 23 § 1095a.

June 1, 2010

June 1, 2010

**Primary****Traffic violation** – a penalty of not more than **\$1,000**.

VT ST TI 23 § 2302(c).

**30-day** recall of learner’s permit or junior operator’s license for a single texting violation. VT ST TI 23 § 607a(a).

Emergency use permitted.

**Yes** - A person shall not operate upon a highway a moving motor vehicle carrying or having installed a screen or other device transmitting a moving entertainment picture that is visible to the operator. VT ST TI 23 § 1095.

May 11, 2011

May 11, 2011

Sanctions:

Primary/Secondary Offense: **Primary**

Criminal Sanctions (Fine/Jail): **Traffic violation** – a penalty of not more than **\$1,000**.  
VT ST TI 23 § 2302(c).

## STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Law Applies to All Drivers:

Other Driver Sub-Categories:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

## VIRGINIA

Code of Virginia Annotated

N/A

**Yes****No****Yes - School bus drivers** – No person shall use any wireless telecommunications device, whether handheld or otherwise, while driving a school bus. VA ST § 46.2-919.1.

March 7, 2008

July 1, 2008

**Primary****Traffic Infraction** – a fine of not more than **\$250**.

VA ST § 46.2-113.

Emergency use, and use for purposes of dispatching only when the vehicle is lawfully parked is permitted. The use of authorized two-way radio devices is permitted. VA ST § 46.2-919.1.

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Exceptions:

**Yes** - It shall be unlawful for any person to operate a moving motor vehicle on the highways while using any handheld personal communications device to write or read any email or text message transmitted to the device or stored within the device.

VA ST § 46.2-1078.1(A).

**Yes**

March 30, 2009

July 1, 2009

**Secondary****Traffic Infraction:**First offense - **\$20**;Second or subsequent offense - **\$50**. VA ST § 46.2-1078.1(D).

Emergency use, GPS or navigational use, or use by the operator of any emergency vehicle is permitted. VA ST § 46.2-1078.1(B).

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

**Yes** - The holder of a provisional driver’s license shall not operate a motor vehicle on the highways while using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not handheld. VA ST § 46.2-334.01(C1)

March 23, 2007

July 1, 2007

**Secondary****Traffic Infraction** – a fine of not more than **\$250**.

VA ST § 46.2-113.

Administrative Sanctions: Second or subsequent violation – the court may suspend the juvenile’s privilege to drive for a period not to exceed 6 months. VA ST § 46.2-334.01(D).

Exceptions: Emergency use permitted.

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No motor vehicle registered in the Commonwealth of Virginia shall be equipped with, nor shall there be used therein, a television receiver when the moving images are visible to the driver while the vehicle is in motion. The operator of a motor vehicle that is not required to be registered in Virginia shall not operate a television receiver while the vehicle is in motion.

No driver of any motor vehicle shall view any motion picture or similar video display while driving. VA ST § 46.2-1077.

Enactment Date: March 28, 1994

Effective Date: July 1, 1994

Sanctions:

Primary/Secondary Offense: **Primary**  
 Criminal Sanctions (Fine/Jail): **Traffic violation** – a fine of not more than **\$250**.  
 VA ST § 46.2-113.

Administrative Sanctions: N/A

Exceptions: Display that assists the driver of the vehicle and provides vehicle information including navigation, supplements or enhances the driver’s view, are in government-owned vehicle by law enforcement or transportation employees in the course of their official duties, are permitted. VA ST § 46.2-1077.

STATE

General Reference:

**Electronic/Mobile Devices****Definition:**

WASHINGTON

Revised Code of Washington Annotated

N/A

**Restrictions on the Use of  
Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes** - A person operating a moving motor vehicle while holding a wireless communications device to his/her ear is guilty of a traffic infraction. WA ST § 46.61.667(1).

Law Applies to All Drivers:

**Yes**

Other Driver Sub-Categories:

**No**

Original Enactment Date

May 11, 2007 (Effective 7/1/08)

Date of Last Action:

March 26, 2010

Effective Date:

June 10, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Traffic Infraction** – not more than **\$250**. WA ST § 46.63.110.

Exceptions:

Use by a person operating a device in hands free mode, use by a person operating an emergency vehicle or tow truck responding to a disabled vehicle, to report an emergency or relay time sensitive information between a transit or for-hire vehicle and dispatch is permitted. Additionally, this law does not restrict the operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the FCC. WA ST § 46.61.667(2).

Other Information:

This traffic infraction shall not become part of the driver's record and shall not be made available to insurance companies or employers. WA ST § 46.61.667(6).

**Restrictions on "Texting":**

"Texting" Law:

**Yes** - A person operating a moving motor vehicle who, by means of an electronic wireless communications device, sends, reads, or writes a text message is guilty of a traffic infraction. WA ST § 46.61.668(1).

Law Applies to All Drivers:

**Yes**

Enactment Date:

May 11, 2007 (Effective 1/1/08)

Date of Last Action:

March 26, 2010

Effective Date:

June 10, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Traffic Infraction** – not more than **\$250**. WA ST § 46.63.110.

Exceptions:

A person operating an emergency vehicle, a voice-operated GPS or navigation system affixed to the vehicle, or a person reporting illegal activity, summoning emergency help, or relaying time sensitive information between a transit or for-hire operator and dispatch on a device permanently affixed to the vehicle is permitted use. WA ST § 46.61.668(2).

Other Information:

This traffic infraction shall not become part of the driver's record and shall not be made available to insurance companies or employers. WA ST § 46.61.668(3).

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**Yes** - A person holding a driver's instruction permit or an intermediate license may drive a motor vehicle upon the public highway if that person is not using a wireless communications device.

WA ST § 46.20.055(3)(b); WA ST § 46.20.075(4).

Enactment Date:

March 26, 2010

Effective Date:

June 10, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Traffic Infraction** – not more than **\$250**. WA ST § 46.63.110.

Administrative Sanctions:

**Intermediate license:**

Second conviction – suspension for **6 months** or until the person reaches age 18, whichever occurs first;

Third conviction – suspension until the person reaches age 18.

WA ST § 46.20-267.

Exceptions:

Emergency use permitted.

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - It shall be unlawful for any person to operate a motor vehicle upon the highways when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. This is prima facie evidence of reckless driving. WA ST § 46.61.665.

No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast when the moving images are visible to the driver while operating the motor vehicle on a public road.

WA ST § 46.37.480(1).

No person shall operate any motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds. WA ST § 46.37.480(2).

Enactment Date:

March 23, 1988

Effective Date:

March 23, 1988

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Embracing While Driving: Gross Misdemeanor** – Imprisonment for up to **364 days** and a fine of not more than **\$5,000**.

WA ST § 46.61.500(1).

**Operating with Television or Headset: Traffic Infraction** – not more than **\$250**. WA ST § 46.63.110.

Administrative Sanctions:

License suspension for not more than **30 days**.

WA ST § 46.61.500(2).

Exceptions:

Live video for backing up, or law enforcement vehicles with mobile computer networks are permitted use of a television viewer, screen, etc. WA ST § 46.37.480(1), (2).

Additionally, emergency vehicles, motorcyclists wearing a helmet with built-in headsets or earphones approved by the Washington State patrol, or motorists using approved hands-free, wireless communications systems are permitted use of earphones. WA ST § 46.37.480(3).

The original hand-held ban enacted in 2007 was upgraded from secondary to primary effective 6/10/10.

STATE

General Reference:

**Electronic/Mobile Devices****Definition:****WEST VIRGINIA**

West Virginia Code

“Handsfree wireless communication device” means a wireless communication device equipped with an internal feature or function, or an attachment or addition, whether or not permanently part of the device, by which a user engages in a conversation, sends or receives a message, interchanges information, or otherwise communicates without the use of either hand. WV ADC § 148-3-2.9.

“Wireless communications device” means a handheld device used to access a wireless telephone service or a text messaging device.

WV ST § 17B-1-1(t).

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**Yes**

Law Applies to All Drivers:

**Yes<sup>11</sup>** - Use of handheld cell phones while driving is banned.

Other Driver Sub-Categories:

**Yes** - Child care drivers: When providing transportation, a child care center shall ensure that the driver does not use a cell phone or engage in conversation while driving. WV ADC § 78-21-16.4.

Operator of State owned vehicle: The use of a handheld wireless electronic communication device by the operator of a moving vehicle on a public road or highway is prohibited. WV ADC § 148-3-8.5.

Enactment Date:

March 10, 2012

Effective Date:

July 1, 2012

Sanctions:

Primary/Secondary Offense:

**Secondary**

Criminal Sanctions (Fine/Jail):

None listed

Exceptions:

Emergency use is permitted

Other Information:

Secondary enforcement will apply for a year after this law goes into effect.

**Restrictions on “Texting”:**

“Texting” Law:

**Yes<sup>12</sup>** - Text messaging while driving is banned.

Law Applies to All Drivers:

**Yes**

Enactment Date:

April 3, 2012

Effective Date:

July 1, 2012

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

First offense - \$100Second offense - \$200Third offense - \$300

Administrative Sanctions:

3 points assessed for second, third and subsequent violations.

<sup>11</sup> The law banning the use of handheld cell phones for all drivers does not take effect until July 1, 2012. Therefore, no citations are available at the time of this writing (3/11/2012).

<sup>12</sup> The law banning texting while driving does not take effect until July 1, 2012. Therefore, no citations are available at the time of this writing (3/11/2012).

**Restrictions on Novice Drivers:**

Distracted Driving Related  
Novice Driver Law(s):

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

**Yes** - A driver under the age of 18 shall be prohibited from using a wireless communication device while operating a motor vehicle.

WV ST § 17B-2-3a(c)(2)(F), (d)(2)(G).

March 11, 2006

June 2006

**Primary**

**Misdemeanor:**

First offense - **\$25**;

Second offense - **\$50**;

Third or subsequent offense - **\$75**.

WV ST § 17B-2-3a(c)(2)(F), (d)(2)(G).

Graduated license holders may be required to attend a driver's instruction course.

Emergency use permitted.

**Other Prohibited Distractions:**

Other Distractions Law:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

**Yes** - No motor vehicle shall be operated on any street or highway when equipped with a television receiver unless such receiver is so placed that the screen or picture tube of such receiver is visible only in the rear seat of such motor vehicle and not in the view of the operator of such motor vehicle. WV ST § 17C-15-42.

Unknown

Unknown

**Primary**

**Misdemeanor:**

First conviction – A fine of not more than **\$100** or imprisonment for not more than **10 days**;

Second conviction (within 1 year) – A fine of not more than **\$200** and/or imprisonment for not more than **20 days**;

Third or subsequent conviction – A fine of not more than **\$500** and/or imprisonment for not more than **6 months**.

WV ST § 17C-18-1.

**Summary of Legislative History:**

The ban on use of handheld cell phones was secondary until 7/1/12.

STATE

General Reference:

**Electronic/Mobile Devices****Definition:****Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

Other Information:

**WISCONSIN**

Wisconsin Statutes Annotated

N/A

**No**

There is a general law prohibiting a person from driving a motor vehicle while being so engaged or occupied as to interfere with the safe driving of such vehicle. This could apply to cell phone violations. The punishment is the same as driving while texting. WI ST § 346.89(1).

**Restrictions on “Texting”:**

“Texting” Law:

Law Applies to All Drivers:

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

Exceptions:

Other Information:

**Yes** - No person may drive any motor vehicle while composing or sending an electronic text message or an electronic mail message. WI ST § 346.89(3)(a).

**Yes**

May 5, 2010

December 1, 2010

**Primary**Not less than **\$20** or more than **\$400**. WI ST § 346.95(2).

4 points may be assessed. WI ADC § Trans 101.02(2)(h).

The operator of an emergency vehicle is permitted use. The use of a voice-operated or hands-free device is permitted. WI ST § 346.89(3)(b).

It appears this law does not restrict the reading of text messages while driving a motor vehicle.

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**No** - There are no laws specifically addressing novice drivers.**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No person shall drive any motor vehicle equipped with any device for visually receiving a television broadcast when such device is located in the motor vehicle at any point forward of the back of the operator’s seat or when such device is visible to the operator while driving the motor vehicle. WI ST § 346.89(2).

May 5, 2010

December 1, 2010

Enactment Date:

Effective Date:

Sanctions:

Primary/Secondary Offense:

Criminal Sanctions (Fine/Jail):

Administrative Sanctions:

**Primary****First conviction** – Not less than **\$20** or more than **\$40**;

**Second or subsequent** (within 1 year) – Not less than **\$50** or more than **\$100**. WI ST § 346.96(1).

4 points may be assessed. WI ADC § Trans 101.02(2)(h).

STATE

General Reference:

**Electronic/Mobile Devices**

**Definition:**

**WYOMING**

Wyoming Statutes Annotated

“Electronic wireless communication device” means a mobile communication device that uses short-wave analog or digital radio transmissions or satellite transmissions between the device and a transmitter to permit wireless telephone communications to and from the user of the device within a specified area. WY ST § 31-5-237(d).

**Restrictions on the Use of Electronic/ Mobile Devices:**

Electronic/Mobile Device Law:

**No**

**Restrictions on “Texting”:**

“Texting” Law:

**Yes** - No person shall operate a motor vehicle on a public street or highway while using a handheld electronic wireless communication device to write, send or read a text-based communication.

WY ST § 31-5-237(a).

Law Applies to All Drivers:

**Yes**

Enactment Date:

May 10, 2010

Effective Date:

July 1, 2010

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Misdemeanor** – A fine of not more than **\$75**.

WY ST § 31-5-237(c).

Exceptions:

Emergency use is permitted; emergency responders permitted too.

**Restrictions on Novice Drivers:**

Novice Driver Law(s):

**No** - There are no laws specifically addressing novice drivers.

**Other Prohibited Distractions:**

Other Distractions Law:

**Yes** - No motor vehicle operated on the highways shall be equipped with television-type receiving equipment so located that a viewer or screen is visible from the driver’s seat. WY ST § 31-5-961.

Enactment Date:

February 23, 1995

Effective Date:

February 23, 1995

Sanctions:

Primary/Secondary Offense:

**Primary**

Criminal Sanctions (Fine/Jail):

**Misdemeanor:**

**First conviction** – A fine of not more than **\$200** and/or imprisonment for not more than **20 days**;

**Second conviction** (within 1 year) – A fine of not more than **\$300** and/or imprisonment for not more than **30 days**;

**Third or subsequent conviction** (within 1 year of the first conviction) – A fine of not more than **\$500** and/or imprisonment for not more than **6 months**. WY ST § 31-5-1201(b).

Exceptions:

Law enforcement use and use in conjunction with vehicle navigation systems are permitted. WY ST § 31-5-961.

**DOT HS 811 770**  
**May 2013**



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

