

Cell Phone Driving Laws

Several states restrict cell phone use while driving. State cell phone driving laws address issues specific to each state. For example, many states have identified cell phone use by novice drivers as an emerging highway safety problem and have restricted the practice. In some states, localities restrict cell phone use while driving through local ordinances or policies. Others prohibit localities from implementing such ordinances through preemption laws. Current state cell phone driving law highlights include the following:



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Issue Brief: Cell Phones & Distracted Driving

- **5 states** (California, Connecticut, New Jersey, New York and Washington), **the District of Columbia and the Virgin Islands** have enacted jurisdiction-wide cell phone laws prohibiting driving while talking on handheld cell phones.
 - With the exception of Washington State, these laws are all **primary enforcement**—an officer may ticket a driver for using a handheld cell phone while driving without any other traffic offense taking place.
- **17 states and the District of Columbia** have special cell phone driving laws for novice drivers.
- School bus drivers in **14 states and the District of Columbia** are prohibited from all cell phone use when passengers are present, except for in emergencies.
- Washington and New Jersey are the only states to ban **text messaging** for all drivers, but other states are expected to follow suit.
 - New Jersey has **primary enforcement**—an officer may ticket a driver for texting while driving without any other traffic offense taking place. Washington's law is **secondarily** enforced.
- No state completely bans all types of cell phone use (handheld and hands-free) while driving.
- Some states, such as Utah and New Hampshire, treat cell phone use as a larger distracted driving issue.

State	Crash Data Collected	Preemption Laws	Handheld Ban	All Cell Phone Ban		Enforceme
				School Bus Drivers	Novice Drivers	
Alabama						
Alaska	Yes					
Arizona				Yes		Primary
Arkansas				Yes		Primary
California	Yes		Yes (eff. 7/2008; commercial drivers exempted until 2011)	Yes	>18 (eff. 7/2008)	Primary
Colorado	Yes				Learners Permit	Secondary
Connecticut	Yes		Yes (some professions exempted)	Yes	Learners Permit and <18	Primary

Delaware	Yes			Yes	GDL	Primary
D.C.			Yes (applies to all drivers, regardless of residency; some professions exempted)	Yes	Learners Permit	Primary
Florida	Yes ("Driver Distraction" w/ cell phone in the narrative. <0.2% of 2006 reports cited cell phone use.)	State law prohibits local jurisdictions from enacting restrictions.				
Georgia	Yes			Yes		Primary
Hawaii						
Idaho						
Illinois	Yes		By jurisdiction	Yes	<19 with Permit or GDL	Primary
Indiana	Yes					
Iowa	Yes					
Kansas						
Kentucky		No city, county, urban-county, charter county, consolidated local government or special district can impose a restriction.		Yes		Primary
Louisiana		Cities and parishes are forbidden from enacting legislation.				

<u>Maine</u>					<18	Primary
<u>Maryland</u>	Yes				<18 w/ Learner or Provisional License	Secondary
<u>Massachusetts</u>	Yes		By jurisdiction	Yes		Primary
<u>Michigan</u>	Yes		By jurisdiction			
<u>Minnesota</u>	Yes				Learner or Provisional License or until age 18	Primary
<u>Mississippi</u>		State law prohibits local jurisdictions from enacting restrictions.				
<u>Missouri</u>						
<u>Montana</u>	Yes					
<u>Nebraska</u>	Yes				Teens w/ Learners or Provisional License	Secondary
<u>Nevada</u>	Yes	State and local entities prohibited from regulating use.				
<u>New Hampshire</u> ¹						
<u>New Jersey</u>	Yes	Localities are prohibited from enacting restrictions.	Yes Text messaging prohibited	Yes	<21 w/ GDL or Provisional License	Primary
<u>New Mexico</u>			By jurisdiction and in State vehicles			
<u>New York</u>	Yes		Yes			Primary
<u>North Carolina</u>	Yes			Yes	<18	Primary
<u>North Dakota</u>						
<u>Ohio</u>			By jurisdiction			

<u>Oklahoma</u>	Yes	State law prohibits local jurisdictions from enacting restrictions.				
<u>Oregon</u>	Yes	State law prohibits local jurisdictions from enacting restrictions.			>18 w/ Learner or Provisional License	Secondary
<u>Pennsylvania</u>	Yes		By jurisdiction			
<u>Rhode Island</u>				Yes	<18	
<u>South Carolina</u>						
<u>South Dakota</u>	Yes					
<u>Tennessee</u>	Yes			Yes	Learners Permit or Intermediate License	Primary
<u>Texas</u>	Yes			Yes, w/ passenger ≤17	<18 in Learner or Intermediate Stage	Primary
<u>Utah ²</u>	Yes	Municipalities may not establish regulations.				
<u>Vermont</u>						
<u>Virgin Islands</u>	Yes		Yes			No data
<u>Virginia</u>	Yes				Intermediate License	Secondary
<u>Washington</u>	Yes		Yes (eff. 7/2008) Text messaging prohibited			Secondary
<u>West Virginia</u>					Learner or Intermediate Stage	Secondary
<u>Wisconsin</u>						
<u>Wyoming</u>						
Total	29 States + Virgin Islands	9 States	5 States + D.C., Virgin Islands	14 States + D.C.	17 States + D.C.	Varies

			Text Messaging: 2 States		
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¹ Dealt with as a distracted driving issue; New Hampshire enacted a comprehensive distracted driving law.

² Dealt with as a distracted driving issue; state law includes "careless driving" offenses, defined as when a driver commits a traffic violation while distracted, including while holding a cell phone.

Sources: **American Automobile Association (AAA), Insurance Institute for Highway Safety (IIHS), National Conference of State Legislatures (NCSL), National Transportation Safety Board (NTSB) and State Highway Safety Offices.** Most recently reviewed February, 2008.

Countries with cell phone driving laws that restrict or prohibit handheld cell phones in cars:			
Australia	Greece	Portugal	Sweden
Austria	Ireland	Philippines	Switzerland
Britain	Israel	Romania	Taiwan
Brazil	Italy	Singapore	Turkey
Chile	Japan	Slovenia	
Denmark	Norway	S. Africa	
Germany	Poland	Spain	