

<http://www.ncsl.org/research/transportation/cellular-phone-use-and-texting-while-driving-laws.aspx>

## Cellular Phone Use and Texting While Driving Laws

6/23/2017

The prevalence of cellular phones, new research, and publicized crashes has started many debates related to the role cell phones play in driver distraction. This chart details state cellular phone use and texting while driving laws.

- **Hand-held Cell Phone Use Ban:** 14 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands prohibit all drivers from using hand-held cell phones while driving.
- **All Cell Phone ban:** No state bans all cell phone use for all drivers, but 38 states and D.C. ban all cell phone use by novice or teen drivers, and 21 states and D.C. prohibit any cell phone use for school bus drivers.
- **Text Messaging ban:** 47 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers.
  - Missouri prohibits text messaging by novice or teen drivers.

Source: Insurance Institute for Highway Safety 2017.

States	Hand-held ban	All cell phone ban	Texting ban	Enforcement	Crash Data Collection
Alabama	No	Drivers age 16 and 17 who have held an intermediate license for less than 6 months.	All drivers	Primary (effective 08/01/2017)	
Alaska	No	No	All drivers	Primary	Yes
Arizona	No	School bus drivers; Learner's permit and provisional license holders during the first six months after licensing	No	Primary: cell phone use by school bus drivers Secondary: cell phone use by young drivers	Yes

		(effective 6/30/2018)		(effective 6/30/2018)	
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Arkansas	Drivers ages 18 to 20 years of age; school and highway work zones	School bus drivers, drivers younger than 18	All drivers	Primary: for texting by all drivers and cell phone use by school bus drivers. Secondary: for cell phone use by young drivers, drivers in school and work zones	Yes
California	All drivers	School and transit bus drivers and drivers younger than 18	All drivers	Primary: hand held and texting by all drivers. Secondary: all cell phone use by young drivers.	Yes
Colorado	No	Drivers younger than 18	All drivers	Primary	Yes
Connecticut	All drivers	Learner's permit holders, drivers younger than 18, and school bus drivers	All drivers	Primary	
Delaware	All drivers	Learner's permit and intermediate license holders and school bus drivers	All drivers	Primary	Yes

District of Columbia	All drivers	School bus drivers and learner's permit holders	All drivers	Primary	Yes
Florida	No	No	All drivers	Secondary	Yes
Georgia	No	School bus drivers. Drivers younger than 18.	All drivers	Primary	Yes
Hawaii	All Drivers	Drivers younger than 18	All Drivers	Primary	
Idaho	No	No	All Drivers	Primary	Yes***

Illinois	All Drivers	Learner's permit holders younger than 19, drivers younger than 19, and school bus drivers	All drivers	Primary	Yes
Indiana	No	Drivers under the age of 21.	All drivers	Primary	Yes
Iowa	No	Learner's permit and intermediate license holders	All drivers	Primary: for all offenses (effective July 1, 2017).	Yes
Kansas	No	Learner's permit and intermediate license holders	All drivers	Primary	Yes
Kentucky	No	Drivers younger than 18, School Bus Drivers.	All drivers	Primary	Yes
Louisiana	No	School bus drivers, learner's permit and intermediate license holders, drivers under age 18	All drivers	Primary	Yes
Maine**	No	Learner's permit and intermediate license holders	All drivers	Primary	Yes

Maryland	All drivers, School Bus Drivers.	Learner's permit and intermediate license holders under 18. School bus drivers.	All drivers	Primary	Yes
Massachusetts	Local option	School bus drivers, passenger bus drivers, drivers younger than 18.	All drivers	Primary	Yes
Michigan	Local option	Level 1 or 2 license holders.	All drivers	Primary	Yes
Minnesota	No	School bus drivers, learner's permit holders, and provisional license holders during the first 12 months after licensing	All drivers	Primary	Yes

Mississippi	No	School bus drivers.	All drivers	Primary	Yes
Missouri	No	No	Drivers 21 years or younger.	Primary	
Montana	No	No	No	Not applicable	Yes
Nebraska	No	Learner's permit and intermediate license holders younger than 18	All drivers	Secondary	Yes
Nevada	All drivers	No	All drivers	Primary	Yes
New Hampshire	Yes	Drivers younger than 18	All drivers	Primary	
New Jersey	All drivers	School bus drivers, and learner's permit and intermediate license holders	All drivers	Primary	Yes
New Mexico	Local option	Learner's permit and intermediate license holders.	All Drivers	Primary	Yes
New York	All drivers	No	All drivers	Primary	Yes
North Carolina	No	Drivers younger than 18 and school bus drivers	All drivers	Primary	

North Dakota	No	Drivers younger than 18	All drivers	Primary	Yes
Ohio	Local option	Drivers younger than 18.	All drivers	Primary: for drivers younger than 18. Secondary: for texting by all drivers.	
Oklahoma	Learner's permit and intermediate license holders, school bus drivers and public transit drivers	School Bus Drivers and Public Transit Drivers	All Drivers	Primary	Yes

Oregon	All drivers	Drivers younger than 18	All drivers	Primary	Yes
Pennsylvania	Local option	No	All drivers	Primary	Yes
Puerto Rico	All drivers		All drivers	Primary	
Rhode Island	No	School bus drivers and drivers younger than 18	All drivers	Primary	Yes
South Carolina	No	No	All drivers	Primary	Yes***
South Dakota	No	Learner's permit and intermediate license holders	All drivers	Secondary	Yes
Tennessee	Drivers in marked school zones (effective 01/01/18)	School bus drivers, and learner's permit and intermediate license holders	All drivers	Primary	Yes
Texas	Drivers in school crossing zones	Bus drivers. Drivers younger than 18	All drivers (effective 09/01/2017)	Primary	Yes
Utah	See footnote*	Drivers under the age of 18.	All drivers	Primary for texting; secondary for talking on hand-held phone	Yes

Vermont	All drivers	Drivers younger than 18	All drivers	Primary	
Virgin Islands	Yes				Yes
Virginia	No	Drivers younger than 18 and school bus drivers	All drivers	Primary: for texting by all drivers. Secondary: for drivers younger than 18.	Yes
Washington	All drivers	Learner's permit and intermediate license holders.	All drivers	Primary	Yes

West Virginia	All Drivers	Drivers younger than 18 who hold either a learner's permit or an intermediate license	All drivers	Primary	
Wisconsin	No	Learner's permit or intermediate license holder	All drivers	Primary	
Wyoming	No	No	All drivers	Primary	Yes
Total	All drivers: 14 states and District of Columbia, Guam, Virgin Islands and Puerto Rico.	School Bus drivers: 21 states and District of Columbia. Teen drivers: 38 states and District of Columbia.	All Drivers : 47 states and District of Columbia, Guam, Virgin Islands and Puerto Rico.	Primary for all drivers texting: 43 states, District of Columbia and Puerto Rico. Secondary for all drivers texting: 4.	40 states, U.S. Virgin Islands and District of Columbia.

**Source: Source Insurance Institute for Highway Safety 2017.**

***Governor's Highway Safety Association***

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

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

\*\*\* Listed as a part of contributing factors

<http://www.cnn.com/2017/04/04/health/distracted-driving-company-cell-phone-bans-impact/>

Distracted driving: Urging companies to crack down

By **Kelly Wallace**, CNN

Updated 9:26 AM ET, Tue April 4, 2017

(CNN)In 2004, David Teater of Spring Lake, Michigan, lost his 12-year-old son, the youngest of three boys, to a distracted driver. Afterward, he knew there were a few different ways he could get involved to raise awareness about this deadly problem.

He could travel to schools and educate children about the dangers of using a phone -- even a hands-free device -- while driving or plunge into legislative work full-time, since advocates believe there is a [need for tougher distracted driving laws](#) and penalties in every state.

But where he decided to focus his time was on the business community, encouraging companies to institute bans on using cell phones while driving. It could help save their employees' lives and raise awareness about an epidemic on the roads. Every day, more than eight people are killed and more than 1,000 are injured in crashes reported to involve distracted driving, which includes activities such as talking on a cell phone, texting and eating, [according to the National Highway Traffic Safety Administration](#).

David Teater began fighting distracted driving when his son was killed by a distracted driver. Teater made the choice based on familiarity -- his 30-year business career has included serving as CEO of several private companies -- and on his calculation of with thousands of employees to ban any use of a cell phone or device while driving, they could take that message to their private lives and bring about wider change on the roads.

"If the employees buy into it ... then they start talking about it with their friends and peers, they get their family members to follow similar policies, and they take the practices home with them," said [Teater](#), who is now a nationally recognized leader on the issue of distracted driving. This is exactly what happened with seat belts, with the employer community leading the way by requiring employees use them while traveling in cars, said Teater, president and founder of [FocusDriven LLC](#), a firm dedicated to reducing motor vehicle crashes that result from driver distraction.

"We had employers who looked at the evidence ... and they started putting policies in place saying, 'If you're going to drive on behalf of our company, you're going to wear a seat belt, or we're going to take disciplinary action if we find out you didn't,' and so people complained about it, but they didn't really have a choice, so they did it," he said.

As more employees got into the habit of wearing a seat belt, researchers were able to collect data to show how seat belts were saving lives in crashes, Teater said. "And then since public opinion changed, then legislators started passing laws, and then we figured out how to enforce those laws with some meat in them, and where we're at today is where seat belts have saved tens of thousands of lives over the last several years. That's the main reason I focus on the employer community," he said.

**The biggest obstacle: productivity concerns**

"With the continued proliferation of social media and ever present urge for drivers to 'stay connected,' distracted driving continues to pose a major challenge for employers and in many cases represents a core element of their overall road safety program," said Joe McKillips, executive director of the [Network of Employers for Traffic Safety](#). The employer-led organization is a partnership between the US government and the private sector focused on reducing road-related crashes, injuries and deaths.

ExxonMobil and Shell Oil were among the first companies to implement total bans more than a decade ago, mandating that employees are not allowed to use cell phones while driving on company business, even with a hands-free device.

Many other companies have followed suit, according to the nonprofit [National Safety Council](#). In a survey of the Fortune 500 in 2010, the council found that 20% of the companies had policies that ban handheld and hands-free use.

Owens Corning, a Toledo-based company with about 16,000 employees in 26 countries, implemented its own policy in 2012.

Behind the scenes, as the company prepared for the rollout of the cell phone ban, the chief executive officer stopped using his cell phone at all times while driving.

"Our CEO actually went for 90 days adhering to what would become our policy for all employees -- no cell phone use, handheld or hands-free," said Matt Schroder, senior corporate communications and media relations leader for Owens Corning, in a 2014 interview with the [National Safety Council \(PDF\)](#). "That he could do that without it affecting his productivity became a key factor in messaging to employees during the implementation."

Productivity concerns are often cited as one of the top obstacles to implementing a total ban, according to the National Safety Council. For instance, if your sales force typically spends a bulk of the workday on the phone, talking to potential customers while driving between appointments, a cell phone ban could negatively impact the business.

And yet, in surveys with companies, there does not appear to be a significant negative impact on productivity cited.

In 2009, the National Safety Council surveyed 469 members that had implemented total cell phone bans. Only 1% reported that productivity decreased, [according to the agency \(PDF\)](#).

In the 2010 National Safety Council survey of Fortune 500 companies, of the ones that had cell phone bans in place, only 7% said productivity decreased, while 19% thought productivity had actually increased.

"Being a former CEO myself and having probably spoken to hundreds of CEOs over the years and hundreds of companies that have put these policies in place, maybe thousands, I've never heard of, not only not heard directly, I've never even heard of a company saying 'we put this policy in place, and it hurt sales commissions; it hurt productivity; it hurt customer service,' not even one comment on that anecdotally in the last 10 years, which I think is amazing," Teater said.

Another obstacle to getting more corporate policies in place appears to be resistance from top management, said Deborah Trombley, senior program manager of transportation initiatives for the National Safety Council.

"When we surveyed our members about why they didn't pass a total ban and they stopped at a texting only or handheld ban, one obstacle that was commonly mentioned was getting senior management buy-in. So a lot of times, that does really track the way back to productivity," Trombley said. "They have those concerns, and they just don't get beyond them."

Companies also often set policies to comply with federal regulations and state laws, said Trombley. Currently, there is no federal law and no law in any state banning hands-free use among adult drivers. It is [illegal to use a handheld device while driving in 14 states and the District of Columbia](#).

"So employers that look to federal regulations and state law as benchmarks find it a challenge to prohibit hands-free use," she said.

### **'A no-brainer from a business standpoint'**

Teater, who worked at the National Safety Council and led its distracted driving initiative from 2009 to 2015, travels across the country and gives between 30 and 40 presentations every year. He travels to individual companies and speaks to groups of employers who might be attending safety, insurance or risk conferences, or who are part of an association.

"I spoke to the New York Beer Wholesalers Association earlier this year," he said. "I love speaking to those groups, because every one of the people in the audience represents a different company with lots of employees so the message really spreads out."

A few of the companies Teater has appeared before have created a professional film of his presentation and distributed the video to their employees around the world.

In the video, Teater takes employees through the science behind distracted driving, why it has become a huge deal on US roads and what companies have done to try to stop the problem.

One of the points he tries to hammer home is the negative impact of cognitive distraction: how our brain can't do two cognitively demanding tasks at the same time, and that includes talking on the phone while driving.

"It takes more cognitive resources to be engaged in a phone conversation than it does to be having the same exact conversation with somebody sitting across from you," he says. "If you are reading while driving, researchers say you are 3.4 times more likely to get in a crash than if you are not reading. Talking on the phone makes you four times more likely to get in a crash."

What Teater finds is that once companies hear the research, they typically move forward to ban distracted driving on the part of their employees.

"My experience has been when they understand the evidence and kind of just apply their own common sense to it, they very quickly come to that decision that this just isn't the best thing to do," he said.

"It makes a lot of common sense to them when they hear it. They say, 'You know, I would never dream of reading a book and talking on the phone at the same time. Why do I think I can drive a car and talk on the phone at the same time when it uses the same skills?' "

It really comes down to three points to convince any business, Teater said. The first is that the activity is dangerous and is getting more dangerous. The second is that there's a liability involved

if companies don't do anything and one of their employees gets into an accident while doing company business on the phone. And third, if they put the policy in place, there is "some pretty compelling evidence on how it's not having a negative impact on a company," he said.

"When you look at those three points -- really risky thing, new liability and if we put a policy in place to stop it, it's not going to hurt us -- it's kind of a no-brainer from a business standpoint."

### **'He was my son, Joe Teater'**

Teater closes his presentations by sharing stories about the lives lost due to distracted driving. He talks about a 13-year-old who was coming home on a school bus when a truck driver who was talking on his cell phone rammed into the back of the bus at 65 miles per hour. Margay Schee was the last child on the bus when it burst into flames.

He shares the story of a 16-year-old Cady Anne Reynolds, who was killed when another 16-year-old ran a red light while texting and rammed into her car.

He talks about Jay and Jean Good, who were coming home from their daughter's college graduation and were killed when a tractor-trailer swerved to avoid a minivan driver who was talking on a cell phone.

And he closes by setting up a crash in Grand Rapids, Michigan, in January 2004. A person who was talking on a cell phone came speeding through the red light at an intersection. The driver sped past four cars and a school bus and didn't see the red light, said Teater. She never touched her brakes and hit a car at 48 miles per hour, he said.

It was a "perfect example of inattention blindness, looking, not seeing ... what happens when our minds are not fully engaged in the task of driving."

A 12-year-old boy was critically injured in the crash and died at the hospital six hours later, he said.

"He was my son, Joe Teater," David Teater tells the audience as he appears to be holding back tears.

"He was the youngest of three boys, and we miss him every single day," Teater said. "If you know anyone who has lost a child, it doesn't get any easier. You just try to figure out how to get through it, but ... he's not with us today because of a phone call. Because of a phone call."

Closing with his personal connection to the issue, said Teater, really drives the point home.

"It just has a really strong impact," he said. "People have no idea, listening to me for an hour, that I've got a personal involvement in it."

## Bill advances to ban handheld devices while driving in Pa.

By [Jan Murphy | jmurphy@pennlive.com](mailto:jmurphy@pennlive.com)

Seeing a young woman last week driving down the road taking advantage of glow from the setting sun on her face during the “golden hour” to take a selfie was just too much for Rep. Rosemary Brown.

“It is unbelievable the behaviors that are being accepted,” said the Monroe County Republican who has been championing legislation to ban hand-held devices while driving for more than six years.

She hopes this time it will finally reach the governor’s desk.

The House Transportation Committee on Tuesday unanimously approved [Brown’s bill](#) that would make it a summary offense that carries a \$100 fine for a driver, regardless of age, to be found using a handheld wireless communication device such as a cell phone while operating a vehicle on the road or at a traffic light.

There are exceptions to the ban built into her bill to address concerns that have been raised. They include provisions allowing a handheld device to be used exclusively for emergency notification, by an emergency service responder while operating an emergency vehicle engaged in the performance of duty, a commercial driver who uses the device within the scope of their job, and an individual with an amateur radio license issued by the FCC.

Brown’s bill was inspired by Eileen and Paul Miller, whose 21-year-old son was killed in 2010 by a distracted tractor-trailer driver. The Millers have been fighting for Pennsylvania to join the now 25 states that have banned handheld devices while driving, including all the states surrounding Pennsylvania. Eileen Miller, wearing a button depicting a photo of her late son, was in attendance to witness the committee’s action on Wednesday.

Noting statistics that show drivers are four times more likely to be involved in a crash when using a cell phone while driving, Brown said she knows her bill won’t eliminate every crash that occurs. But she said, “The intent is to try to change the driver’s behavior and the responsibility.”

Her bill would make using a handheld device a primary offense, meaning law enforcement could stop a driver solely for holding a device while driving regardless if it is in their hand or being supported by some part of their body.

In the last legislative session, [her bill passed the House](#) but failed to see action in the Senate. That bill was amended on the House floor to make it a secondary offense, meaning a police officer could only cite an adult driver for using a handheld device while operating a vehicle if they were stopped for another violation or involved in a crash.

Brown was unhappy with that change, saying at the time, “there was no part of me that wanted to reduce any measure to a secondary offense.”

Rep. Stephen Kinsey, D-Philadelphia, questioned whether this ban would apply to GPS units that help guide a driver to their destination. Brown indicated it would but clarified that a device such as a cellphone or GPS unit can still be used in a vehicle but it has to be docked in a docking station, integrated into the vehicle, laying in the console, or just anywhere but on the driver.

“This is the realistic balance,” Brown said. “This is fair. This is reasonable.”

Rep. Kyle Mullins, D-Lackawanna County, commended the Millers for their unwavering commitment to trying to make roadways safer. After seeing this hands-free legislation stop short session after session of becoming law, he said, “I think it’s time to get this done.”

Brown’s bill builds on the [state’s 2012 law banning texting while driving](#) for all drivers, which makes that a primary offense in Pennsylvania.