

Cellphone laws January 2009

A jurisdiction-wide ban on driving while talking on a hand-held cellular phone is in place in 6 states (California, Connecticut, New Jersey, New York, Utah, and Washington) and the District of Columbia. Utah has named the offense careless driving. Under the Utah law, no one commits an offense when speaking on a cellphone unless they are also committing some other moving violation other than speeding.

The law in 6 states (Illinois, Massachusetts, Michigan, New Mexico, Ohio, and Pennsylvania) specifically authorizes a locality to ban cellphone use. Localities in other states may not need specific statutory authority to ban cellphones. Localities that have enacted restrictions on cellphone use include: Chicago, IL; Brookline, MA; Detroit, MI; Santa Fe, NM; Brooklyn, North Olmstead and Walton Hills, OH; Conshohocken, Lebanon and West Conshohocken, PA; and Waupaca County, WI.

Localities are prohibited from banning cellphone use in 8 states (Florida, Kentucky, Louisiana, Mississippi, Nevada, Oklahoma, Oregon, and Utah).

The use of all cellular phones while driving a school bus is prohibited in 17 states and the District of Columbia.

The use of all cellular phones by novice drivers is restricted in 17 states and the District of Columbia. Louisiana has passed a law restricting teen use of cellphones, but as of this writing, it is not clear whether it bans all cellphone use or use of hand-held cellphones.

Text messaging is banned for all drivers in 7 states (Alaska, California, Connecticut, Louisiana, Minnesota, New Jersey, and Washington) and the District of Columbia. In addition, novice drivers are banned from texting in 9 states (Delaware, Maine, Maryland, Nebraska, North Carolina, Oregon, Texas, Virginia, and West Virginia) and school bus drivers are banned from text messaging in 4 states (Arkansas, North Carolina, Texas, and Virginia).

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

Laws restricting cellphone use and texting

| State | Hand-held ban | All cellphone ban | Texting ban | Enforcement |
|----------------------|---------------|---|---|----------------------|
| Alabama | no | no | no | not applicable |
| Alaska | no | no | all drivers | primary |
| Arizona | no | school bus drivers | no | primary |
| Arkansas | no | school bus drivers | school bus drivers | primary |
| California | all drivers | school and transit bus drivers and drivers younger than 18 | drivers younger than 18 (effective 7/1/08); all drivers | primary ¹ |
| Colorado | no | learner's permit holders | no | secondary |
| Connecticut | all drivers | learner's permit holders, drivers younger than 18, and school bus drivers | all drivers | primary |
| Delaware | no | school bus drivers and learner's permit and intermediate license holders | learner's permit and intermediate license holders | primary |
| District of Columbia | all drivers | school bus drivers and learner's permit holders | all drivers | primary |
| Florida | no | no | no | not applicable |
| Georgia | no | school bus drivers | no | primary |
| Hawaii | no | no | no | not applicable |

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|----------------|---------------------------|--|---|---|
| Idaho | no | no | no | not applicable |
| Illinois | local option | learner's permit holders younger than 19, drivers younger than 19, and school bus drivers | no | primary |
| Indiana | no | no | no | not applicable |
| Iowa | no | no | no | not applicable |
| Kansas | no | no | no | not applicable |
| Kentucky | no | school bus drivers | no | primary |
| Louisiana | see footnote ² | school bus drivers; with respect to novice drivers, see footnote ² | all drivers | secondary; primary for school bus drivers |
| Maine | no | learner's permit and intermediate license holders | learner's permit and intermediate license holders | primary |
| Maryland | no | learner's permit and intermediate license holders | learner's permit and intermediate license holders | secondary |
| Massachusetts | local option | school bus drivers | no | primary |
| Michigan | local option | no | no | not applicable |
| Minnesota | no | school bus drivers and learner's permit holders and provisional license holders during the first 12 months after licensing | all drivers | primary |
| Mississippi | no | no | no | not applicable |
| Missouri | no | no | no | not applicable |
| Montana | no | no | no | not applicable |
| Nebraska | no | learner's permit and intermediate license holders younger than 18 | learner's permit and intermediate license holders younger than 18 | secondary |
| Nevada | no | no | no | not applicable |
| New Hampshire | no | no | no | not applicable |
| New Jersey | all drivers | school bus drivers and learner's permit and intermediate license holders | all drivers | primary |
| New Mexico | local option | no | no | not applicable |
| New York | all drivers | no | no | primary |
| North Carolina | no | drivers younger than 18 and school bus drivers | drivers younger than 18 and school bus drivers | primary |
| North Dakota | no | no | no | not applicable |
| Ohio | local option | no | no | not applicable |
| Oklahoma | no | no | no | not applicable |
| Oregon | no | drivers younger than 18 who hold either a learner's permit or an intermediate license | drivers younger than 18 who hold either a learner's permit or an intermediate license | secondary |

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|----------------|--------------|---|---|---|
| Pennsylvania | local option | no | no | not applicable |
| Rhode Island | no | school bus drivers and drivers younger than 18 | no | primary |
| South Carolina | no | no | no | not applicable |
| South Dakota | no | no | no | not applicable |
| Tennessee | no | school bus drivers and learner's permit and intermediate license holders | no | primary |
| Texas | no | bus drivers when a passenger 17 and younger is present; intermediate license holders for first six months | bus drivers when a passenger 17 and younger is present; intermediate license holders for first six months | primary |
| Utah | all drivers | no | no | secondary ³ |
| Vermont | no | no | no | not applicable |
| Virginia | no | drivers younger than 18 and school bus drivers | drivers younger than 18 and school bus drivers | secondary; primary for school bus drivers |
| Washington | all drivers | no | all drivers | secondary |
| West Virginia | no | drivers younger than 18 who hold either a learner's permit or an intermediate license | drivers younger than 18 who hold either a learner's permit or an intermediate license | secondary |
| Wisconsin | no | no | no | not applicable |
| Wyoming | no | no | no | not applicable |

¹An officer in California can stop a person, regardless of age, holding a cellphone and talking or texting on it, but they may not use checkpoints to enforce the all cell ban for drivers younger than 18.

²During the 2008 legislative session, Louisiana passed 3 different cellphone laws addressing teen drivers. The governor signed all three. As of September 12, 2008, it is unclear whether both hand-held and hands-free phone use is prohibited, or whether only hand-held phone use is banned. All 3 laws prohibit text messaging. A 4th cell phone law prohibits cellphone use by school bus drivers.

³Utah's law defines careless driving as committing a moving violation (other than speeding) while distracted by use of a hand-held cellphone or other activities not related to driving.