



# Handheld Cellular Phone and Text Messaging Bans<sup>1</sup>

December 2010

State	Handheld Ban <sup>2</sup>	Text Messaging Ban <sup>3</sup>
Alabama		
Alaska		Yes
Arizona		
Arkansas	<sup>4</sup>	Yes
California	Yes	Yes
Colorado		Yes
Connecticut	Yes	Yes
Delaware	Yes (01/02/11)	Yes (01/02/11)
District of Columbia	Yes	Yes
Florida		
Georgia		Yes
Hawaii	Yes <sup>5</sup>	By jurisdiction <sup>6</sup>
Idaho		
Illinois	Yes <sup>7</sup> / By jurisdiction <sup>8</sup>	Yes
Indiana		
Iowa		Yes
Kansas		Yes
Kentucky		Yes
Louisiana	<sup>9</sup>	Yes
Maine		
Maryland	Yes	Yes
Massachusetts	By jurisdiction <sup>10</sup>	Yes
Michigan	By jurisdiction <sup>11</sup>	Yes
Minnesota		Yes
Mississippi		
Missouri		<sup>12</sup>
Montana		
Nebraska		Yes

<sup>1</sup> This chart does not include any laws prohibiting drivers under the age of 18 and/or bus drivers.

<sup>2</sup> On December 17, 2010, US DOT released a Notice of Proposed Rule that proposes banning the use of hand-held cellular devices for truck drivers. The comment period is 60 days from Federal Register Notice.

<sup>3</sup> On January 26, 2010, the Federal Motor Carriers Safety Administration (FMCSA) announced federal guidance to expressly prohibit texting by drivers of commercial vehicles. The prohibition was effective immediately. The FMCSA is currently involved in the rule making process to make the prohibition permanent. A Notice of Proposed Rule Making was released on April 1, 2010, that expands upon the current guidance.

<sup>4</sup> Ban for driver under the age of 21.

<sup>5</sup> Handheld cellular ban is in effect only in Hawaii County.

<sup>6</sup> Text messaging ban is only in effect in Honolulu.

<sup>7</sup> The use of cell phone use by a driver is prohibited in construction and school speed zones.

<sup>8</sup> Chicago, Illinois

<sup>9</sup> There is a probationary period 1 year from when the license was issued.

<sup>10</sup> Brookline, Massachusetts

<sup>11</sup> Detroit, Michigan

<sup>12</sup> Text messaging ban is in effect for drivers 21 and younger.

Nevada		
New Hampshire		Yes
New Jersey	Yes	Yes
New Mexico	By jurisdiction <sup>13</sup> and in State vehicles	
New York	Yes	Yes
North Carolina		Yes
North Dakota		
Ohio	By jurisdiction <sup>14</sup>	
Oklahoma		
Oregon	Yes	Yes
Pennsylvania	By jurisdiction <sup>15</sup>	
Rhode Island		Yes
South Carolina		
South Dakota		
Tennessee		Yes
Texas	<sup>16</sup>	<sup>17</sup>
Utah	Yes <sup>18</sup>	Yes
Vermont		
Virgin Islands	Yes	
Virginia		Yes
Washington	Yes	Yes
West Virginia		
Wisconsin	<sup>19</sup>	Yes
Wyoming	<sup>20</sup>	Yes

## U.S Congressional Bills Pending

Senate Number	House Number	Title	Action
S.1938	H.R. 3994	Distracted Driving Prevention Act of 2009	Marked up in the Senate Commerce Committee and awaiting floor action.
S.1536	H.R. 3535	ALERT Drivers Act	Pending in Committee
	H.R. 3829	FOCUS Act	Pending in Committee
	H.R. 4153	Establish National Standards to Prevent Distracted Driving	Pending in Committee
	H.R. 597	Erica's Law	Pending in Committee

<sup>13</sup> Santa Fe, Albuquerque, New Mexico

<sup>14</sup> Brooklyn, North Olmstead and Walton Hills, Ohio

<sup>15</sup> Conshohocken, Hilltown Township, Lebanon, Pennsylvania

<sup>16</sup> Prohibited in school crossing zones.

<sup>17</sup> Prohibited in school crossing zones. There is a probationary period 1 year from when the license was issued.

<sup>18</sup> Utah State Code 41(6a)(1715) defines "Careless driving" as being "distracted" by using a wireless telephone or other electronic." It is legal to use a cell-phone while you are driving only if the driver is using a device with hands-free.

<sup>19</sup> Waupaca County, Wisconsin.

<sup>20</sup> Cheyenne, Wyoming.