

Cellphone laws

November 2009

A jurisdiction-wide ban on driving while talking on a hand-held cellphone is in place in 7 states (California, Connecticut, New Jersey, New York, Oregon, 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.

Local jurisdictions may or may not need specific state statutory authority to ban cellphones. Localities that have enacted restrictions on cellphone use include: Oahu, HI; Chicago, IL; Brookline, MA; Detroit, MI; Santa Fe, NM; Brooklyn, North Olmstead, and Walton Hills, OH; Conshohocken, Lebanon, and West Conshohocken, PA; Waupaca County, WI; and Cheyenne, WY.

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

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

The use of all cellphones by novice drivers is restricted in 21 states and the District of Columbia.

Text messaging is banned for all drivers in 19 states and the District of Columbia. In addition, novice drivers are banned from texting in 9 states (Delaware, Indiana, Kansas, Maine, Mississippi, Missouri, Nebraska, Texas, and West Virginia) and school bus drivers are banned from text messaging in 1 state (Texas).

The table below shows the states that have cellphone 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.

Laws restricting cellphone use and texting

State	Hand-held ban	Young drivers all cellphone ban	Bus drivers all cellphone ban	Texting ban	Enforcement
Alabama	no	no	no	no	not applicable
Alaska	no	no	no	all drivers	primary
Arizona	no	no	school bus drivers	no	primary
Arkansas	drivers ages 18 through 20	drivers younger than 18	school bus drivers	all drivers	primary: texting by all drivers and cellphone use by school bus drivers; secondary: cellphone use by young drivers ¹
California	all drivers	drivers younger than 18	school and transit bus drivers	all drivers	primary; secondary for hands-free cellphone use by young drivers ¹
Colorado	no	drivers younger than 18 (effective 12/01/09)	no	all drivers (effective 12/01/09)	primary (effective 12/01/09)
Connecticut	all drivers	drivers younger than 18	school bus drivers	all drivers	primary
Delaware	no	learner's permit and intermediate license holders	school bus drivers	learner's permit and intermediate license holders	primary
District of Columbia	all drivers	learner's permit holders	school bus drivers	all drivers	primary
Florida	no	no	no	no	not applicable
Georgia	no	no	school bus drivers	no	primary
Hawaii	no	no	no	no	not applicable
Idaho	no	no	no	no	not applicable

Illinois	drivers in construction and school speed zones (effective 01/01/10)	drivers younger than 19 and learner's permit holders younger than 19	school bus drivers	all drivers (effective 01/01/10)	primary
Indiana	no	drivers younger than 18	no	drivers younger than 18	primary
Iowa	no	no	no	no	not applicable
Kansas	no	learner's permit and intermediate license holders (effective 01/01/10)	no	learner's permit and intermediate license holders (effective 01/01/10)	primary (effective 01/01/10)
Kentucky	no	no	school bus drivers	no	primary
Louisiana	with respect to novice drivers, see footnote ²	with respect to novice drivers, see footnote ²	school bus drivers	all drivers	secondary; primary for school bus drivers
Maine	no	learner's permit and intermediate license holders	no	learner's permit and intermediate license holders	primary
Maryland	no	learner's permit and intermediate license holders	no	all drivers	secondary; primary for texting
Massachusetts	local option	no	school bus drivers	no	primary
Michigan	local option	no	no	no	not applicable
Minnesota	no	learner's permit holders and provisional license holders during the first 12 months after licensing	school bus drivers	all drivers	primary
Mississippi	no	no	no	learner's permit and intermediate license holders	primary
Missouri	no	no	no	drivers 21 and younger	primary
Montana	no	no	no	no	not applicable
Nebraska	no	learner's permit and intermediate license holders younger than 18	no	learner's permit and intermediate license holders younger than 18	secondary
Nevada	no	no	no	no	not applicable
New Hampshire	no	no	no	all drivers (effective 01/01/10)	primary (effective 01/01/10)
New Jersey	all drivers	learner's permit and intermediate license holders	school bus drivers	all drivers	primary
New Mexico	local option	no	no	no	not applicable
New York	all drivers	no	no	all drivers	primary; secondary for text messaging
North Carolina	no	drivers younger than 18	school bus drivers	all drivers (effective 12/01/09)	primary
North Dakota	no	no	no	no	not applicable
Ohio	local option	no	no	no	not applicable

Oklahoma	no	no	no	no	not applicable
Oregon	all drivers (effective 01/01/10)	drivers younger than 18 (effective 01/01/10)	no	all drivers (effective 01/01/10)	primary (effective 01/01/10)
Pennsylvania	local option	no	no	no	not applicable
Rhode Island	no	drivers younger than 18	school bus drivers	all drivers	primary
South Carolina	no	no	no	no	not applicable
South Dakota	no	no	no	no	not applicable
Tennessee	no	learner's permit and intermediate license holders	school bus drivers	all drivers	primary
Texas	drivers in school crossing zones	intermediate license holders for the first twelve months	bus drivers when a passenger 17 and younger is present	bus drivers when a passenger 17 and younger is present; intermediate license holders for first twelve months; drivers in school crossing zones	primary
Utah	all drivers	no	no	all drivers	primary for texting; secondary for talking on a hand-held cellphone ³
Vermont	no	no	no	no	not applicable
Virginia	no	drivers younger than 18	school bus drivers	all drivers	secondary; primary for school bus drivers
Washington	all drivers	no	no	all drivers	secondary
West Virginia	no	drivers younger than 18 who hold either a learner's permit or an intermediate license	no	drivers younger than 18 who hold either a learner's permit or an intermediate license	primary
Wisconsin	no	no	no	no	not applicable
Wyoming	no	no	no	no	not applicable

¹The laws in Arkansas and California prohibit police from stopping a vehicle to determine if a driver is in compliance with the law. Clearly, that language prohibits the use of checkpoints to enforce the law, but it has been interpreted as the functional equivalent of secondary provisions that typically state the officer may not stop someone suspected of a violation unless there is other, independent, cause for a stop.

²As of July 1, 2008, all learner's permit holders, irrespective of age, and all intermediate license holders were prohibited from driving while using a hand-held cellphone and all drivers younger than 18 were prohibited from using any cellphone. Effective April 1, 2010 all drivers, irrespective of age, issued a first driver's license will be prohibited from using a cellphone for one year.

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.