

The Use of Mobile Devices by Motorists

Using mobile phones affects driver performance:

- ▶ A 2006 study concluded that nearly 80 percent of crashes and 65 percent of near crashes involved some form of driver inattention within three seconds before the event. The most common distraction for drivers is the use of cell phones.¹
- ▶ Both hands-free and handheld phones create enough distraction to degrade a driver's performance. Talking on a cell phone while driving is as dangerous as driving while intoxicated, even if the phone is used with a hands-free device.²
- ▶ A 2003 study estimates that cell phone use while driving contributes to 6 percent of crashes, which equates to 636,000 crashes, 330,000 injuries and 2,600 deaths each year. The annual financial toll of cell phone-related crashes is \$43 billion.³
- ▶ The National Safety Council, a national nonprofit that focuses on traffic and workplace safety and emergency preparedness, now calls for a ban on the use of all cell phones and other messaging devices while driving.



States laws place prohibitions on mobile devices:

- ▶ Six states—California, Connecticut, New Jersey, New York, Utah and Washington—and the District of Columbia as well as the Virgin Islands prohibit all drivers from talking on a handheld mobile device.
- ▶ Except for Utah and Washington, these laws have primary enforcement, which means a motorist may be ticketed for using a handheld cell phone while driving without also committing another traffic offense.
- ▶ No state completely bans all types of cell phone use, including handheld and hands-free, for all drivers, but many prohibit their use for certain drivers.
- ▶ In 18 states, school bus drivers are prohibited from using a cell phone when students or other passengers are on the bus. California also prohibits transit bus drivers from using a cell phone.
- ▶ The use of cell phones by new drivers is prohibited in 18 states and Washington, D.C.
- ▶ In May 2007, Washington became the first state to ban sending text messages with a cell phone while driving. Since then, six other states—Alaska, California, Connecticut, Louisiana, Minnesota and New Jersey—and the District of Columbia have followed suit.
- ▶ Nine states—Delaware, Maine, Maryland, Nebraska, Oregon, Texas, Virginia and West Virginia—prohibit text messaging by novice drivers.

State laws may pre-empt or permit local jurisdictions to regulate cell phone usage:

- ▶ Eight states—Florida, Kentucky, Louisiana, Mississippi, Nevada, Oklahoma, Oregon and Utah—prohibit local jurisdictions from enacting any restrictions on the use of handheld devices.
- ▶ Six states—Illinois, Massachusetts, Michigan, New Mexico, Ohio and Pennsylvania—specifically authorize localities to enact laws that ban the use of cell phones while driving. In some states, localities do not need specific statutory authority to ban cell phones.

¹ Virginia Tech Transportation Institute for the National Transportation Highway Safety Administration. "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data." April 2006. http://www.nhtsa.gov/portal/nhtsa_static_file_downloader.jsp?file=/staticfiles/DOT/NHTSA/NRD/Multimedia/PDFs/Crash%20Avoidance/2006/DriverInattention.pdf

² Strayer, D.L., Drews, F.A., and Crouch, D.J. "A Comparison of the Cell Phone Driver and the Drunk Driver." *Human Factors* 48: 381–391 2006. <http://www.psych.utah.edu/AppliedCognitionLab/HFES2006.pdf>

³ Cohen, J.T. and Graham, J.D. "A revised economic analysis of restrictions on the use of cell phones while driving." *Risk Analysis*. 2003; 23(1):5–17. http://sciencepolicy.colorado.edu/about_us/meet_us/roger_pielke/envs_5120/week_1/Cohen_RA.pdf

STATE CELL PHONE LAWS

State	Handheld Ban	All Cell Phone Ban	Texting Ban	Enforcement
Alabama				
Alaska			All Drivers	Primary
Arizona		School Bus Drivers		Primary
Arkansas	Drivers 18-20	School Bus Drivers, Drivers Under 18	All Drivers	Primary for Texting, Secondary for Young Drivers
California	All drivers	School Bus Drivers, Transit Bus Drivers, Drivers Under 18	All Drivers	Primary
Colorado		Drivers Under 18	All Drivers	Primary
Connecticut	All drivers	School Bus Drivers, Drivers under 18	All Drivers	Primary
Delaware		School Bus Drivers, Learner's Permit Holders, Intermediate License Holders	Learner's Permit Holders, Intermediate License Holders	Primary
District of Columbia	All drivers	School Bus Drivers, Learner's Permit Holders	All Drivers	Primary
Florida				
Georgia		School Bus Drivers		Primary
Hawaii				
Idaho				
Illinois	In Highway Construction & School Zones (01/01), Local Option	School Bus Drivers, Drivers Under 19	All Drivers (01/01)	Primary
Indiana		Drivers Under 18	Drivers Under 18	Primary
Iowa				
Kansas		Learner's Permit Holders, Intermediate License Holders (01/01)	Learner's Permit Holders, Intermediate License Holders (01/01)	Primary (01/01)
Kentucky		School Bus Drivers		Primary
Louisiana		School Bus Drivers, Drivers Under 18, Drivers with a License for Less Than a Year	All Drivers	Secondary, Primary for Bus Drivers
Maine		Learner's Permit Holders, Intermediate License Holders	Learner's Permit Holders, Intermediate License Holders	Primary
Maryland		Learner's Permit Holders, Intermediate License Holders	All Drivers	Secondary, Primary for Texting
Massachusetts	Local Option	School Bus Drivers		Primary
Michigan	Local Option			
Minnesota		School Bus Drivers, Learner's Permit Holders, Provisional License Holders for First 12 months	All Drivers	Primary
Mississippi			Learner's Permit Holders Intermediate License Holders	Primary
Missouri			Drivers 21 and Younger	Primary
Montana				
Nebraska		Learner's Permit Holder, Intermediate License Holders Under 18	Learner's Permit Holders, Intermediate License Holders under 18	Secondary
Nevada				
New Hampshire			All Drivers (01/01)	Primary (01/01)
New Jersey	All drivers	School Bus Drivers, Learner's Permit Holders, Intermediate License Holders	All Drivers	Primary
New Mexico	Local Option			
New York	All drivers			Primary
North Carolina		School Bus Drivers, Drivers Under 18	All Drivers (12/01)	Primary
North Dakota				
Ohio	Local Option			
Oklahoma				
Oregon		Drivers under 18 (01/01)	All Drivers (01/01)	Primary (01/01)
Pennsylvania	Local Option			
Rhode Island		School Bus Drivers, Drivers Under 18		Primary
South Carolina				
South Dakota				
Tennessee		School Bus Drivers, Drivers under 18 with a Learner's Permit or Intermediate Permit	All Drivers	Primary
Texas	Drivers in School Crossing Zones	Bus Drivers When a Passenger Under 17 is Present, Intermediate License Holders for First 6 Months	Bus Drivers When a Passenger Under 17 is Present, Intermediate License Holders for First 6 Months	Primary
Utah	All drivers			Primary for Texting, Secondary for Handheld Ban
Vermont				
Virgin Islands	All drivers			Primary
Virginia		School Bus Drivers, Drivers Under 18	All Drivers	Secondary, Primary for Bus Drivers
Washington	All drivers		All Drivers	Secondary
West Virginia		Drivers Under 18 with a Learner's Permit or Intermediate License	Drivers Under 18 with a Learner's Permit or Intermediate License	Primary
Wisconsin				
Wyoming				