



MATTHIESEN, WICKERT & LEHRER, S.C.
Hartford, WI ❖ New Orleans, LA ❖ Orange County, CA
❖ Austin, TX ❖ Jacksonville, FL
Phone: (800) 637-9176
gwickert@mw-law.com
www.mw-law.com

LAWS REGARDING USING CELL PHONES/HEADPHONES/TEXTING WHILE DRIVING

Every year, more than 2.2 trillion cell phone texts are sent and received in the United States alone. Each year, an average of 3,000 people die and 450,000 are injured in motor vehicle accidents involving distracted drivers. Ten percent of all drivers who are 15 to 19 years of age involved in fatal crashes were distracted when the accident occurred. The significant safety problem of operating a cell phone, sending, or receiving texts, or manipulating hand-held devices while driving has grown exponentially over the past decade and has reached epidemic proportions. According to the National Highway Transportation Safety Administration (NHTSA), at any given moment across America, approximately 660,000 drivers are using or manipulating cell phones while driving. Lawyers and insurance claims professionals should be familiar with the nuances of these laws in the states in which they conduct business. Because violation of these statutes may constitute negligence per se in many jurisdictions, identifying cell phone use at the time of an accident can materially impact liability and subrogation recovery. Automobile accidents are caused by a variety of factors, but a growing cause of accidents is the use of electronic hand-held devices and texting while driving. State legislatures are scrambling to make their roads safe by-passing laws which prohibit dangerous activity yet do not totally infringe on the personal liberty of Americans. It is no easy task. A defendant's use of a cell phone at or around the time of an accident is easy to determine and can be particularly damaging in a negligence lawsuit wherein the defendant's actions are being scrutinized.

The following chart is a summary of current law across all 50 states governing the use of cell phones, texting, and/or the manipulation of hand-held electronic devices while driving passenger vehicles. Every state is different, although nearly every state now explicitly prohibits texting while driving, and more than half of the states explicitly prohibit hand-held phone use. Related laws governing the use of headphones or other devices which would impair a driver's attention or hearing are also included where relevant.

Commercial motor vehicle (CMV) drivers are also subject to their own federal restrictions on texting and hand-held mobile-phone use while driving. 49 C.F.R. §§ 392.80, 392.82. Many states incorporate those federal commercial-driver rules by statute or regulation. State-specific commercial-driver rules are noted where materially different.

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
ALABAMA	<p>A driver may not operate a vehicle in a distracted manner while physically holding a wireless telecommunications device or while writing, sending, or reading a text-based communication. Hands-free voice-based communications and navigation/GPS use are permitted. Ala. Code § 32-5A-350.1.</p> <p>Drivers age 16, and drivers age 17 licensed for less than six months, may not operate a handheld communication device that is nonessential to the functioning of the vehicle. Ala. Code § 32-6-7.2.</p>	No Applicable Laws	Commercial motor vehicle (CMV) drivers are subject to federal texting and hand-held mobile-phone restrictions adopted through Alabama's motor-carrier law. Ala. Code § 32-9A-2; 49 C.F.R. §§ 392.80, 392.82.
ALASKA	<p>A driver may not read or type a text or other nonvoice message while driving a moving vehicle. Alaska also prohibits operating a motor vehicle with an operating television, video monitor, portable computer, or similar visual-display device visible to the driver, subject to exceptions for voice communication, caller identification, navigation/GPS, maps, vehicle information, dispatching, and safety or driver-assist displays. Alaska Stat. § 28.35.161.</p> <p>No general statewide ban on ordinary voice cell-phone use applies.</p>	A driver may not wear a headset, headphones, other headgear designed to receive or transmit sound, ear plugs, or a similar device that reduces hearing ability while driving. Exceptions include safety or law-enforcement use, motorcycle communications, hearing-assistance devices, and navigation devices. 13 Alaska Admin. Code § 04.260.	<p>Municipalities generally may not enact traffic ordinances inconsistent with Title 28, but may prohibit cellular-telephone use while driving on school property or in an active school zone if hands-free use remains allowed. Alaska Stat. §§ 28.01.010, 28.01.017; <i>Simpson v. Municipality of Anchorage</i>, 635 P.2d 1197 (Alaska Ct. App. 1981).</p> <p>Violation of a traffic statute, regulation, or ordinance may establish prima facie negligence, subject to excuse or justification. <i>Ferrell v. Baxter</i>, 484 P.2d 250 (Alaska 1971).</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
ARIZONA	<p>A driver may not operate a motor vehicle while physically holding or supporting a portable wireless communication device or stand-alone electronic device, or while writing, sending, or reading a text-based communication on such a device. A.R.S. § 28-914. Arizona also prohibits viewing certain broadcast television, video, movie, or dynamic visual images while driving, subject to exceptions for navigation, mapping, vehicle information, safety-related displays, driver-assist displays, and continuous recording. A.R.S. § 28-963.</p>	None.	<p>Permitted uses include swiping or tapping a device to activate, deactivate, or initiate a function; hands-free voice communication using an earpiece, headphone device, or wrist-worn device; voice-based texting functions; emergency use; and hands-free navigation/GPS or vehicle-information use. A.R.S. § 28-914. For the first six months, a Class G licensee may not use a wireless communication device while driving except for emergencies or audible turn-by-turn navigation under statutory conditions. A.R.S. § 28-3174. Regulation of portable wireless communication devices is preempted by state law. A.R.S. § 28-914.</p>
ARKANSAS	<p>A driver may not use a wireless telecommunications device while driving to text or to access, read, or post to a social networking site. A driver may read, select, or enter a telephone number or name to make a phone call, and emergency, law-enforcement, firefighter, ambulance, emergency-medical, physician, and health-care-provider exceptions apply. Ark. Code Ann. § 27-51-1504.</p> <p>“Texting” includes reading from or manually entering data into a wireless telecommunications device, but does not include use of a hands-free wireless telecommunications device. Ark. Code Ann. § 27-51-1503.</p> <p>Learner’s, intermediate, and certain restricted-license drivers may not use a cellular telephone or other interactive wireless communication device while driving except for emergency purposes. Ark. Code Ann. § 27-16-804.</p>	No Applicable Laws	<p>Any local laws regarding cell phone use are preempted by state law. A.C.A. § 27-51-1505.</p> <p>Commercial motor vehicle drivers may not text while driving except when necessary to communicate with law enforcement or emergency services, and motor carriers may not allow or require drivers to text while driving. Ark. Code Ann. § 27-23-130.</p> <p>For commercial drivers, texting and use of a hand-held mobile telephone while driving are serious traffic violations; texting does not include pressing a single button to start or end a voice communication or using a GPS/navigation system. Ark. Code Ann. § 27-23-103.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
CALIFORNIA	<p>A driver may not use a wireless telephone unless it is designed and configured for hands-free listening and talking and is used in that manner. Cal. Veh. Code § 23123.</p> <p>A driver may not hold and operate a handheld wireless telephone or electronic wireless communications device unless it is voice-operated and hands-free, or is mounted and activated or deactivated with a single swipe or tap. Cal. Veh. Code § 23123.5.</p> <p>Drivers under age 18 may not use a wireless telephone or electronic wireless communications device while driving, even if hands-free. Cal. Veh. Code § 23124.</p> <p>A person may not drive a school bus or transit vehicle while using a wireless telephone, except for work-related or emergency purposes. Cal. Veh. Code § 23125.</p> <p>Hand-held use is limited to a single tap or swipe of a mounted device. <i>People v. Porter</i>, 333 Cal. Rptr. 3d 168 (Ct. App. 2025).</p>	<p>A driver may not wear a headset covering, earplugs in, or earphones covering, resting on, or inserted in both ears. Exceptions include hearing aids, certain construction/highway/refuse equipment operators, authorized emergency-vehicle personnel, and earplugs or headsets used for specified noise-reduction or communication purposes. Cal. Veh. Code § 27400.</p>	<p>“Driving” includes being temporarily stopped at a red light. <i>People v. Nelson</i>, 200 Cal. App. 4th 1083, 132 Cal. Rptr. 3d 856 (Cal. App. 2011).</p> <p>Section 23123.5 prohibits holding and using a phone’s functions while driving, and earlier narrower reasoning in <i>People v. Spriggs</i>, 224 Cal. App. 4th 150, 168 Cal. Rptr. 3d 347 (Cal. App. 2014), has been overtaken by the current statute and <i>People v. Porter</i>, 333 Cal. Rptr. 3d 168 (Cal. App. 2025).</p> <p>A portable GPS may be mounted only as allowed by statute and only for door-to-door navigation. Cal. Veh. Code § 26708.</p>
COLORADO	<p>A driver may not use a mobile electronic device while driving unless the device is used hands-free. Drivers under age 18 may not use a mobile electronic device while driving except to contact a public safety entity during an emergency. C.R.S. § 42-4-239.</p>	<p>A driver may not operate a motor vehicle while wearing earphones. Exceptions include hearing aids, built-in listening devices in protective headgear, and a headset or other device that covers only one ear and is connected to a wireless telephone. C.R.S. § 42-4-1411.</p>	<p>State law preempts local regulation of mobile electronic device use while driving. C.R.S. § 42-4-239.</p> <p>Commercial motor vehicle drivers are subject to federal texting and hand-held mobile-phone restrictions. 49 C.F.R. §§ 392.80, 392.82.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
CONNECTICUT	<p>A driver may not use a hand-held mobile telephone to engage in a call, use a mobile electronic device, or type, send, or read a text message while operating a motor vehicle. Conn. Gen. Stat. § 14-296aa. Drivers under age 18 may not use a hand-held mobile telephone, including one with a hands-free accessory, or a mobile electronic device while driving. Conn. Gen. Stat. § 14-296aa.</p>	No Applicable Laws	<p>School bus drivers carrying passengers may not use a hand-held mobile telephone or other electronic device. Commercial motor vehicle drivers may not use a hand-held mobile telephone or other electronic device, or type, read, or send text, while operating a commercial motor vehicle. Conn. Gen. Stat. § 14-296aa. Fines are \$200 for a first violation, \$375 for a second violation, and \$625 for a third or subsequent violation. Conn. Gen. Stat. § 14-296aa.</p>
DELAWARE	<p>A driver may not drive a motor vehicle on a highway while using an electronic communication device while the vehicle is in motion. "Using" includes holding the device while viewing or transmitting images or data, composing, sending, reading, viewing, accessing, browsing, transmitting, saving, or retrieving e-mail, text messages, or other electronic data, or engaging in a call. Hands-free use and specified emergency/reporting exceptions apply. 21 Del. C. § 4176C.</p> <p>Learner's permit holders and Level 1 Learner's Permit holders may not use a cellular telephone, text messaging device, or similar electronic device while driving, except to report an emergency. 21 Del. C. § 2710.</p>	No Applicable Laws	<p>A school bus driver may not use a cell telephone while the bus is moving and transporting one or more children, except for certain dispatch communications when the bus lacks a functioning two-way radio; emergency use is an affirmative defense. 21 Del. C. § 4176B.</p> <p>Delaware also prohibits use of an electronic communication device while driving a motorized vehicle on lands administered by the Division of Fish and Wildlife, subject to hands-free, emergency, and official-duty exceptions. 7 Del. Admin. Code § 9201-10.0.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
DISTRICT OF COLUMBIA	<p>A driver may not use or attempt to use a mobile telephone or other personal wireless communications device without a hands-free accessory, and may not hold or attempt to hold the device while operating a motor vehicle. Emergency use, use by law-enforcement or emergency personnel, initiating or terminating a call, turning the phone on or off, and use while stopped where the vehicle can safely remain stationary are excepted. D.C. Code § 50-1731.04. Distracted driving is prohibited. D.C. Code § 50-1731.03.</p>	<p>A driver may not use headphones covering both ears or earbuds in both ears while operating a motor vehicle, except to assist a hearing-impaired driver. D.C. Code § 50-1731.04.</p>	<p>Installed or affixed navigation or emergency-assistance devices, such as GPS devices, are excluded from “personal wireless communications device.” D.C. Code § 50-1731.02.</p> <p>School bus drivers carrying passengers, learner’s-permit holders, and drivers under age 18 may not use a mobile telephone or other electronic device while driving, even with a hands-free accessory, except in emergencies. D.C. Code § 50-1731.05.</p> <p>Commercial drivers are subject to federal texting and hand-held mobile-phone restrictions adopted by District regulation. D.C. Mun. Regs. tit. 18, §§ 1306, 1400; 49 C.F.R. §§ 392.80, 392.82.</p>
FLORIDA	<p>A driver may not operate a motor vehicle while manually typing or entering multiple characters into a wireless communications device, or while sending or reading data on the device for nonvoice interpersonal communication. Exceptions include emergency reporting, navigation/GPS use, safety-related information, radio broadcasts, autonomous-vehicle operation, and wireless communication that does not require manual entry of multiple characters. Fla. Stat. § 316.305.</p> <p>Florida does not have a statewide hands-free requirement for ordinary voice calls, but hand-held wireless communications device use is prohibited in designated school crossings, school zones, and active work zones. Fla. Stat. § 316.306.</p>	<p>A driver may not operate a motor vehicle while wearing a headset, headphone, or other listening device, other than a hearing aid. Exceptions include law-enforcement communications equipment, motorcycle helmet headsets, and headsets that cover only one ear. Fla. Stat. § 316.304.</p>	<p>Regulation of cell phone use is preempted to the state. F.S.A. § 316.0075</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
<p style="text-align: center;">GEORGIA</p>	<p>A driver may not physically hold or support a wireless telecommunications device or stand-alone electronic device while driving. A driver also may not write, send, or read text-based communications, watch a video or movie, or record or broadcast video while driving, subject to exceptions for voice-based communications, navigation, continuous recording, emergency reporting, utility-service emergencies, law-enforcement/fire/emergency-medical personnel, and use while lawfully parked. O.C.G.A. § 40-6-241.</p> <p>Drivers with an instruction permit or Class D license who are under age 18 may not use a wireless telecommunications device while driving, except for emergency purposes. O.C.G.A. § 40-5-24.</p>	<p>No one can operate a motor vehicle while wearing a headset or headphones which would impair the driver's ability to hear or any device that impairs vision. O.C.G.A. § 40-6-250</p>	<p>An earpiece, headphone device, or wrist-worn device may be used to conduct voice-based communication. O.C.G.A. § 40-6-241. The statute also contains separate restrictions for drivers operating commercial motor vehicles. O.C.G.A. § 40-6-241.</p> <p>Violation constitutes a primary offense and can support negligence per se arguments. <i>Kearney v. Oppenheimer & Co., Inc.</i>, 915 S.E.2d 709 (Ga. App. 2025), <i>cert. denied</i> (Sept. 25, 2025).</p>
<p style="text-align: center;">HAWAII</p>	<p>No person shall operate a motor vehicle while using a hand-held mobile electronic device, this includes text messages. Exceptions: when being used to dial 911 or using the device hands-free. Haw. Rev. Stat. § 291C-137(a)</p> <p>No driver under the age of 18 may operate a motor vehicle while using a hands-free mobile electronic device, unless you are dialing 911. Haw. Rev. Stat. § 291C-137(c)</p>	<p style="text-align: center;">No Applicable Laws</p>	<p>Exemptions apply for emergency responders, work-related two-way radio use, certain amateur radio operators, and vehicles completely stopped with the engine off in a safe location out of traffic. Haw. Rev. Stat. § 291C-137.</p> <p>Commercial driver's license holders may not use a mobile electronic device, including for texting, while operating a commercial motor vehicle. Haw. Rev. Stat. § 291-17.</p> <p>All county and city laws are preempted by state law. Haw. Rev. Stat. § 291C-137(h)</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
IDAHO	<p>A driver may not operate a motor vehicle while using a mobile electronic device unless the device is used in voice-operated or hands-free mode. Hands-free navigation/GPS use is permitted if the driver is not manually entering information. Idaho Code § 49-1401A.</p>	<p>No Applicable Laws</p>	<p>Violation may be the primary or sole basis for a traffic stop. Idaho Code § 49-1401A. State law preempts local regulation of mobile electronic device use while driving. Idaho Code § 49-1401A. A first distracted-driving offense receives no points; later offenses may receive points, and third or subsequent offenses within three years may result in suspension. Idaho Admin. Code r. 39.02.71.100.</p>
ILLINOIS	<p>A driver may not operate a motor vehicle on a roadway while using an electronic communication device, including using the device to watch or stream video, participate in video conferencing, or access social media. Exceptions include law-enforcement officers or emergency-vehicle operators performing official duties, hands-free or voice-operated use, use while stopped with the transmission in neutral or park due to obstructed traffic, and pressing a single button to initiate or terminate a voice communication. 625 ILCS 5/12-610.2.</p> <p>Drivers under age 19 with an instruction permit or graduated license may not use a wireless phone while driving. 625 ILCS 5/12-610.1.</p> <p>No driver may use a wireless telephone in a school speed zone, construction or maintenance speed zone, or within 500 feet of an emergency scene, subject to statutory exceptions. 625 ILCS 5/12-610.1.</p>	<p>A driver may not wear a headset receiver while driving. Exceptions include single-ear headsets or earpieces used with phones, hearing aids, equipment used exclusively for safety or traffic-engineering studies, and use by law-enforcement, medical, or fire-service personnel. 625 ILCS 5/12-610.</p>	<p>Commercial motor vehicle drivers may not text while driving, and motor carriers may not allow or require commercial drivers to text while driving. 625 ILCS 5/6-526. Texting and hand-held mobile-telephone violations are serious traffic violations for commercial-driver purposes. 625 ILCS 5/6-500. Illinois incorporates federal commercial motor vehicle driving rules, including 49 C.F.R. Part 392, as in effect on October 1, 2014. Ill. Admin. Code tit. 92, § 3360.2000.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
INDIANA	<p>No driver may hold or use a telecommunications device while operating a moving motor vehicle, unless the device is used in conjunction with hands-free or voice-operated technology. I.C. § 9-21-8-59.</p> <p>No driver under the age of 21 may operate a motor vehicle while using a telecommunications device, unless it is being used to make a 911 call. I.C. § 9-24-11-3.7</p>	No Applicable Laws	<p>A violation of Indiana’s telecommunications-device statute carries 4 driver’s-license points. 140 Ind. Admin. Code 1-4.5-10.</p> <p>Indiana also incorporates federal motor carrier safety regulations for interstate and intrastate motor carriers, which include federal commercial-driver restrictions on texting and hand-held mobile-phone use. Ind. Code § 8-2.1-24-18; 49 C.F.R. §§ 392.80, 392.82.</p>
IOWA	<p>A driver may not use an electronic device while driving unless the vehicle is at a complete stop off the traveled portion of the roadway. “Use” includes holding, viewing, or manipulating an electronic device. Voice-activated and hands-free use are permitted. Integrated vehicle equipment, including an integrated GPS or navigation system programmed before the vehicle is in motion, is excluded. Iowa Code § 321.276.</p>	No Applicable Law	<p>Iowa’s electronic-device restrictions preempt county and municipal ordinances. Iowa Code § 321.238.</p> <p>Commercial vehicle operators are subject to federal motor carrier safety regulations adopted by Iowa, including federal restrictions on texting and hand-held mobile-phone use. Iowa Code § 321.449; Iowa Admin. Code r. 661-22.1; 49 C.F.R. §§ 392.80, 392.82.</p> <p>The statement in <i>State v. Struve</i>, 956 N.W.2d 90 (Iowa 2021), that Iowa was not a hands-free driving state has been superseded by the 2025 amendment to Iowa Code § 321.276.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
KANSAS	<p>A driver may not use a wireless communications device to write, send, or read a written communication while operating a motor vehicle on a public road or highway. Exceptions include law enforcement and emergency personnel, a vehicle stopped off the traveled portion of the roadway, dialing or selecting a number or name to make or receive a call, emergency/traffic/weather alerts, vehicle operation or navigation messages, reporting illegal activity, preventing imminent injury, and certain dispatcher communications. K.S.A. § 8-15,111.</p> <p>Restricted-license holders may not operate a wireless communication device while driving, except to report illegal activity or summon emergency help. K.S.A. § 8-2,101.</p>	No Applicable Laws	<p>Effective July 1, 2026, Kansas prohibits use of a mobile telephone while driving in a school zone when a reduced speed limit is enforced or in a road construction zone when workers are present and signs are posted. Hands-free use and hands-free navigation use are excepted. Holding a mobile telephone creates a rebuttable presumption of violation. Warning citations apply until July 1, 2027. § 8-New, Use of Mobile Telephone While Operating Motor Vehicle In School Zone Or Road Construction Zone Prohibited, eff. July 1, 2026.</p>
KENTUCKY	<p>A driver may not write, send, or read a text-based communication using a personal communication device while operating a moving motor vehicle on the traveled portion of a roadway. Exceptions include GPS use, dialing or selecting a number or name to make a call, emergency or public-safety vehicle operators, and emergency texts to report illegal activity, summon help, or prevent injury. KRS 189.292.</p> <p>Drivers under age 18 with an instruction permit, intermediate license, or operator's license may not use a personal communication device while operating a moving motor vehicle, motorcycle, or moped, except to summon emergency help. KRS 189.294.</p>	No Applicable Laws	<p>Local governments may not restrict mobile-telephone use in motor vehicles. KRS 65.873.</p> <p>A school bus driver may not use a cellular telephone while the bus is moving and transporting children, except for dispatch communications when the bus lacks a functioning two-way radio or in a bona fide emergency. KRS 281A.205.</p> <p>Texting while driving carries three driver-license points. 601 KAR 13:025.</p> <p>Violation of a Kentucky statute may support negligence per se under KRS 446.070, but that rule does not extend to federal law, other states' laws, or municipal ordinances. <i>St. Luke Hosp., Inc. v. Straub</i>, 354 S.W.3d 529 (Ky. 2011).</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
LOUISIANA	<p>A driver may not operate a wireless telecommunications device while operating a motor vehicle on a public road or highway unless the vehicle is lawfully stationary. Prohibited use includes calls except hands-free calls, texting, social media, video, electronic data, manual app use, and holding or physically supporting the device. Exceptions include emergency reporting, authorized emergency-vehicle use, lawful stationary use, and hands-free GPS/navigation use. La. R.S. § 32:59.</p> <p>A person issued a first Louisiana driver's license may not use a cellular telephone for any purpose while driving for one year after issuance, subject to emergency, parked-vehicle, emergency-responder, and push-to-talk exceptions. La. R.S. § 32:289.1.</p>	<p>Use of headphones while driving is prohibited. Headphones means headset, headphone, or listening device other than hearing aid or instrument for the improvement of defective human hearing which covers both ears or is inserted into both ears. Any headset, headphone, or other listening device that covers or is inserted into only one ear may be used. Exceptions include headgear for law enforcement purposes and communication between a motorcyclist and its passenger, if the equipment is in the helmet.</p> <p>No vehicle, contents of a vehicle, or driver in a vehicle shall be inspected, stopped, detained, or searched solely because of a violation of or to determine compliance. La. R.S. § 32:295.2</p>	<p>Louisiana's prior texting and Class "E" learner's permit provisions were repealed effective August 1, 2025, and should not be cited as current law. La. R.S. §§ 32:300.5, 32:300.6.</p> <p>The current wireless-device statute is a primary offense in school zones and highway construction zones, and a secondary offense elsewhere. La. R.S. § 32:59.</p> <p>State law preempts regulation of wireless telecommunications device use by motor vehicle operators. La. R.S. § 32:59.</p> <p>Texting while driving and using a hand-held mobile telephone while driving a commercial motor vehicle are serious traffic violations. La. R.S. § 32:414.2.</p>
MAINE	<p>A driver may not operate a motor vehicle on a public way while using, manipulating, talking into, or otherwise interacting with a hand-held electronic device or mobile telephone, including while temporarily stopped in traffic, at a traffic light, or at a stop sign. Hands-free use is permitted for drivers age 18 or older who are not operating with an intermediate license or learner's permit, and a mounted hands-free device may be activated or deactivated with a single swipe, tap, or push. 29-A M.R.S. § 2121.</p> <p>A driver also may not engage in text messaging while operating a motor vehicle on a public way, including while temporarily stopped in traffic, at a traffic light, or at a stop sign. 29-A M.R.S. § 2119.</p> <p>Drivers under age 18 with an intermediate license may not use, manipulate, talk into, or otherwise interact with a hand-held electronic device or mobile telephone while driving. 29-A M.R.S. § 1311.</p>	No Applicable Laws	<p>A driver may use a hand-held electronic device or mobile telephone after pulling to the side of, or off, a public way and stopping where the vehicle can safely remain stationary. 29-A M.R.S. §§ 2119, 2121.</p> <p>Emergency use to communicate with law enforcement or emergency-services personnel is permitted, except for a person operating with a learner's permit. 29-A M.R.S. § 2121.</p> <p>Commercial drivers and school bus drivers may use a hand-held electronic device or mobile telephone within the scope of employment as permitted by Federal Motor Carrier Safety Administration regulations. 29-A M.R.S. §§ 2119, 2121; 49 C.F.R. §§ 392.80, 392.82.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
MARYLAND	<p>A driver may not use a hand-held telephone while operating a motor vehicle and may not use a text messaging device to write, send, or read a text or electronic message while operating a motor vehicle in the travel portion of the roadway. Md. Code, Transp. §§ 21-1124.1, 21-1124.2.</p> <p>Exceptions include GPS use, contacting 9-1-1 or emergency services, initiating or terminating a call, and turning the phone on or off. Md. Code, Transp. §§ 21-1124.1, 21-1124.2; <i>State v. Stone</i>, 493 Md. 78, 350 A.3d 786 (Md. 2026).</p>	<p>Drivers may not wear ear plugs, headsets, or earphones over both ears while driving, except in emergency situations, operating refuse equipment, or hearing aids. Md. Code, Trans. Law § 21-1120</p>	<p>Mere observation that a driver is manipulating, pressing, or touching a phone screen does not, without more, create a rational inference of unlawful phone use because the conduct may fall within statutory exceptions. <i>State v. Stone</i>, 493 Md. 78, 350 A.3d 786 (Md. 2026).</p> <p>No person may operate a motor vehicle while using a cell phone, texting, or wearing headphones. Ocean City, Md., Code of Ordinances § 14-333(c)(1)(e).</p>
MASSACHUSETTS	<p>No driver may hold a mobile electronic device or use a mobile electronic device unless it is being used in hands-free mode. A driver may not read or view text, images, or video on a mobile electronic device, except that a mounted device may be used to view a map if it does not impede operation of the vehicle. Mass. Gen. Laws ch. 90, § 13B.</p> <p>Drivers under age 18 may not use a mobile phone, hands-free mobile phone, or other mobile electronic device while driving. Mass. Gen. Laws ch. 90, § 8M.</p>	<p>No person may use headphones while driving or operating a motor vehicle, except if the headphones are used for communication in connection with controlling the course or movement of said vehicle. Mass. Gen. Laws ch. 90 § 13</p>	<p>School bus drivers may not use mobile electronic devices while the bus is moving, except in emergencies. Mass. Gen. Laws ch. 90, § 7B.</p> <p>Public transportation operators may not use mobile telephones or mobile electronic devices while operating, except for official-duty or emergency use. Mass. Gen. Laws ch. 90, § 12A. The general hands-free rule does not apply to public safety personnel or emergency first responders. Mass. Gen. Laws ch. 90, § 13B.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
<p style="text-align: center;">MICHIGAN</p>	<p>A driver may not hold or use a mobile electronic device while operating a motor vehicle, commercial motor vehicle, or school bus. "Use" includes sending or receiving a call, sending, receiving, or reading a text, viewing, recording, or transmitting video, or accessing, reading, or posting to a social networking site. Exceptions include emergency use, GPS/navigation use, voice-operated or hands-free use, and use of a mounted device as allowed by statute. MCL 257.602b.</p> <p>A Level 1 or Level 2 graduated licensee may not use a cellular telephone while operating a motor vehicle, subject to emergency exceptions. MCL 257.602c.</p>	<p style="text-align: center;">No Applicable Laws*</p>	<p>Michigan's mobile-electronic-device statute supersedes local ordinances regulating mobile electronic device use, except that local governments may adopt substantially corresponding ordinances. MCL 257.602b.</p> <p>Kelsey's Law governs Level 1 and Level 2 graduated licensees and likewise supersedes local ordinances regulating cellular-telephone use by those drivers. MCL 257.602c.</p> <p>A driver may not operate a vehicle with a television or similar electronic device displaying a video image viewable by the driver while the vehicle is moving, subject to exceptions including vehicle-information and navigation systems. MCL 257.708b.</p>
<p style="text-align: center;">MINNESOTA</p>	<p>A driver may not hold a wireless communications device with one or both hands while the vehicle is in motion or part of traffic, and may not use such a device to initiate, compose, send, retrieve, or read an electronic message, engage in a cellular call, participate in video calling, or access video content, audio content, images, games, or software applications. Voice-activated or hands-free use, GPS/navigation use, listening to audio-based content, emergency use, and authorized emergency-vehicle use are excepted. Minn. Stat. § 169.475.</p> <p>A wireless communications device does not include an integrated vehicle system, GPS/navigation-only device, two-way radio, citizens band radio, or amateur radio equipment. Minn. Stat. § 169.011.</p>	<p>A driver may not wear headphones or earphones in both ears simultaneously while operating a motor vehicle. Exceptions include hearing aids and specified emergency-service communication headsets. Minn. Stat. § 169.471.</p>	<p>Voice-activated or hands-free mode does not include typing or scrolling on a device. Minn. Stat. § 169.475.</p> <p>A school bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether handheld or hands-free, while the bus is in motion or part of traffic. Minn. Stat. § 169.443; (<i>Vasquez v. Safe-Way Bus Co.</i>), A14-0226 (Minn. App. 2014).</p> <p>Minnesota's current hands-free law prohibits holding or using a wireless communications device while driving and applies to accessing stored content and software applications. <i>State v. Gutzke</i>, 996 N.W.2d 219 (Minn. 2023); <i>State v. Braxton</i>, A24-0834 (Minn. App. 2025).</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
MISSISSIPPI	<p>A driver of a moving motor vehicle may not write, send, or read a text message, or access, read, or post to a social networking site, using a hand-held mobile telephone while driving. "Text message" includes a text-based message, instant message, electronic message, and email, but does not include an emergency, traffic, or weather alert or a message related to the operation or navigation of the vehicle. Miss. Code Ann. § 63-33-1.</p>	No Applicable Laws	<p>A violation is a civil violation punishable by a \$100 civil penalty. Miss. Code Ann. § 63-33-1.</p> <p>No county, municipality, or other political subdivision may enact an ordinance restricting cell-phone use in motor vehicles unless authorized by state law. Miss. Code Ann. § 63-3-212.</p>
MISSOURI	<p>A driver may not physically hold or support an electronic communication device, write, send, or read a text-based communication, make a communication unless using a voice-operated or hands-free feature, watch a video or movie, or record, post, send, or broadcast video while operating a motor vehicle on a highway or other property open to public vehicular traffic. Exceptions include emergency reporting, law-enforcement use, hands-free or voice-operated use, navigation/map use, and audio broadcasts or recordings. Mo. Rev. Stat. § 304.822.</p>	No Applicable Laws	<p>The operator of a school bus may not use or operate an electronic communication device while the bus is in motion and may not use or operate an electronic communication device or two-way radio while loading or unloading passengers. Mo. Rev. Stat. § 304.822.</p> <p>State law preempts local regulation of electronic communication device use while driving. Mo. Rev. Stat. § 304.822.</p> <p>Texting and hand-held mobile-telephone violations are serious traffic violations for commercial-driver purposes. Mo. Rev. Stat. § 302.700.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
MONTANA	No Applicable Laws	No Applicable Laws	<p>Several cities and counties have enacted local cell-phone, hand-held-device, or texting restrictions. Commercial-driver texting violations may constitute serious traffic violations for commercial driver's license suspension purposes. Mont. Code Ann. § 61-8-803.</p> <p>Montana adopts federal motor carrier safety regulations, including 49 C.F.R. Parts 390 through 399, for covered commercial motor vehicles and motor carriers. Mont. Admin. R. 18.8.1502.</p>
NEBRASKA	<p>A driver may not use a handheld wireless communication device to read, manually type, or send a written communication while operating a moving motor vehicle. "Written communication" includes a text message, instant message, electronic mail, and internet websites. The prohibition does not include a hands-free wireless communication device and does not apply to law-enforcement officers, firefighters, ambulance drivers, emergency medical technicians performing official duties, or drivers operating in an emergency. Neb. Rev. Stat. § 60-6,179.01.</p> <p>Provisional operator's permit, learner's permit, and school learner's permit holders may not use an interactive wireless communication device while operating a motor vehicle. Neb. Rev. Stat. §§ 60-4,120.01, 60-4,123, 60-4,124.</p>	No Applicable Laws	<p>The general texting rule is enforceable only as a secondary action. Neb. Rev. Stat. § 60-6,179.01.</p> <p>Commercial motor vehicle operators and school bus operators may not text or use a handheld mobile telephone while driving or during school bus operations, subject to emergency-communication exceptions. Neb. Rev. Stat. § 60-6,179.02.</p> <p>Violations carry 3 license points. Neb. Rev. Stat. § 60-4,182. Texting and handheld mobile-telephone violations are serious traffic violations for commercial-driver purposes. Neb. Rev. Stat. § 60-4,168.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
NEVADA	<p>A driver may not manually type or enter text into a cellular telephone or other handheld wireless communications device, send or read data, or use a cellular telephone or other handheld wireless communications device for voice communications unless the device is used hands-free. Exceptions include firefighters, law enforcement, emergency reporting, situations requiring immediate action, and use of an affixed voice-operated navigation/GPS system. NRS 484B.165 (effective July 1, 2026).</p>	<p>No Applicable Laws</p>	<p>Amendments to NRS 484B.165 become effective July 1, 2026. State and local entities may not regulate driver use of telephonic devices except as provided in NRS 484B.165. NRS 707.375.</p> <p>Nevada adopts federal motor carrier safety regulations for covered motor carriers. Nev. Admin. Code § 706.2471.</p> <p>A traffic-law violation may serve as the predicate unlawful act for vehicular manslaughter. <i>Cornella v. Churchill Cnty.</i>, 377 P.3d 97 (Nev. 2016).</p>
NEW HAMPSHIRE	<p>A driver may not use a hand-held mobile electronic device capable of voice or data communication while driving a moving vehicle or while temporarily halted in traffic for a traffic-control device or other momentary delay. Emergency use and hands-free use are excepted. Drivers under age 18 may not use a cellular or mobile telephone or other mobile electronic device while driving, whether hands-free or not, except to report an emergency. RSA 265:79-c.</p>	<p>Bluetooth headsets are allowed. N.H. Rev. Stat. Ann. § 265:89-C-II</p>	<p>Drivers may receive aural routing information from a hands-free GPS device and may receive turn-by-turn routing information from a GPS device integrated into the vehicle or mounted on the dashboard, windshield, or visor. RSA 265:79-c.</p> <p>Amateur radio, citizen-band radio, radio telephone, radio telegraph equipment, and other electronic receiving devices may be used while driving. RSA 265:105.</p> <p>A driver may not view a broadcast television image or visual image from an image display device while the vehicle is moving, subject to exceptions for navigation, traffic, road, weather, vehicle-control, and driving-task displays. RSA 266:75.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
NEW JERSEY	<p>A driver may not use a wireless telephone or electronic communication device while operating a moving motor vehicle on a public road or highway unless the telephone is hands-free or the electronic communication device is used hands-free. "Use" includes talking, listening, text messaging, or sending an electronic message. Emergency and safety-reporting exceptions apply. N.J.S.A. § 39:4-97.3.</p> <p>Examination-permit and probationary-license holders may not use any hand-held or hands-free interactive wireless communication device while driving, except in an emergency. N.J.S.A. §§ 39:3-13, 39:3-13.4.</p>	No Applicable Laws	<p>Amateur radio is excluded from "electronic communication device," and the statute does not apply to citizen's band or two-way radio use by drivers of moving commercial motor vehicles or authorized emergency vehicles. N.J.S.A. § 39:4-97.3.</p> <p>New Jersey's amended statute is enforceable as a primary offense and covers electronic communication devices, texting, and electronic messages. <i>State v. Troisi</i>, 471 N.J. Super. 158, 272 A.3d 51 (App. Div. 2022).</p> <p>Commercial-driver texting and hand-held mobile-telephone rules include GPS/navigation and emergency-communication exceptions. N.J. Admin. Code § 13:21-23.1.</p> <p>Driving-school instructors and students may not use interactive wireless communication devices during behind-the-wheel instruction, except in an emergency. N.J. Admin. Code § 13:23-3.10. <i>Kubert v. Best</i>, 432 N.J. Super. 495, 75 A.3d 1214 (App. Div. 2013), remains useful only as background on texting and remote-texter liability, not as the primary source for the current statutory text.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
NEW MEXICO	<p>A driver may not read or view a text message, or manually type on a handheld mobile communication device, while driving. "Driving" includes being temporarily stopped because of traffic, a traffic light, or a stop sign, but excludes a vehicle pulled over and safely stopped. Exceptions include summoning medical or other emergency help and licensed amateur radio use. GPS/navigation systems, integrated vehicle devices, and voice-operated or hands-free devices are excluded as provided by statute. N.M. Stat. § 66-7-374.</p>	<p>Albuquerque, Santa Fe, Las Cruces, Silver City, Gallup, Taos, Espanola, and Rio Rancho have local ordinances against texting and/or cell phone use while driving.</p>	<p>Commercial motor vehicle drivers may not use a handheld mobile communication device for any purpose while driving, except to summon medical or other emergency help or to use licensed amateur radio. N.M. Stat. § 66-7-375.</p> <p>Texting while driving and handheld mobile communication device use while driving a commercial motor vehicle carry scheduled penalties of \$25 for a first violation and \$50 for a second or subsequent violation. N.M. Stat. § 66-8-116.</p>
NEW YORK	<p>A driver may not operate a motor vehicle on a public highway while using a mobile telephone to engage in a call while the vehicle is in motion. N.Y. Veh. & Traf. Law § 1225-c.</p> <p>A driver may not operate a motor vehicle while using a portable electronic device while the vehicle is in motion. "Using" includes holding the device while viewing, taking, or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving, or retrieving e-mail, text messages, instant messages, or other electronic data. N.Y. Veh. & Traf. Law § 1225-d.</p>	<p>It is unlawful to operate a vehicle while wearing more than one earphone that is connected to a radio, tape player, or other audio device.</p> <p>N.Y. Veh. & Traf. Law § 375-24a</p>	<p>Holding a mobile telephone to or near the ear while driving creates a presumption that the driver was engaged in a call, but the statute requires use while engaged in a call. N.Y. Veh. & Traf. Law § 1225-c; <i>People v. Wells</i>, 57 Misc. 3d 21, 62 N.Y.S.3d 877 (N.Y. App. Term 2017).</p> <p>Holding a portable electronic device in a conspicuous manner creates a rebuttable presumption of use. N.Y. Veh. & Traf. Law § 1225-d; <i>People v. A.N.</i>, 44 Misc. 3d 269, 985 N.Y.S.2d 835 (N.Y. City Ct. 2014).</p> <p>The mobile-telephone statute and portable-electronic-device statute regulate different conduct. <i>People v. Scanlon</i>, 63 Misc. 3d 697, 95 N.Y.S.3d 782 (N.Y. Cty. Ct. 2019).</p> <p>Commercial-driver violations are serious traffic violations for license-disqualification purposes. N.Y. Veh. & Traf. Law § 510-a.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
NORTH CAROLINA	<p>A driver may not use a mobile telephone to manually enter multiple letters or text, or to read e-mail or a text message, while operating a vehicle on a public street, highway, or public vehicular area. Exceptions include a lawfully parked or stopped vehicle, certain emergency personnel, GPS use, and voice-operated technology. N.C. Gen. Stat. § 20-137.4A.</p> <p>A driver under age 18 may not use a mobile telephone or additional technology associated with a mobile telephone while the vehicle is in motion, subject to statutory exceptions. N.C. Gen. Stat. § 20-137.3.</p>	<p>A driver may not view a television, computer, or video player located forward of the back of the driver's seat and visible to the driver while operating the vehicle, subject to statutory exceptions. N.C. Gen. Stat. § 20-136.1.</p> <p>Local cell-phone-while-driving ordinances are likely preempted by state motor-vehicle regulation. <i>King v. Town of Chapel Hill</i>, 367 N.C. 400, 758 S.E.2d 364 (N.C. 2014).</p>	<p>School bus drivers may not use a mobile telephone or additional technology associated with a mobile telephone while the school bus is in motion, except in a stationary bus or for emergency communications. N.C. Gen. Stat. § 20-137.4.</p> <p>Commercial motor vehicle drivers may not use a mobile telephone or other electronic device in violation of federal commercial-driver rules; hands-free technology is not prohibited. N.C. Gen. Stat. § 20-137.4A; 49 C.F.R. Parts 390, 392.</p> <p>Violations of N.C. Gen. Stat. §§ 20-137.4 and 20-137.4A do not constitute negligence per se or contributory negligence per se. N.C. Gen. Stat. §§ 20-137.4, 20-137.4A.</p>
NORTH DAKOTA	<p>A driver may not use a wireless communications device to compose, read, or send an electronic message while the vehicle is part of traffic. "Electronic message" includes e-mail, text messages, instant messages, a command or request to access a web page, or other data using a commonly recognized electronic communications protocol. Exceptions include emergency assistance, authorized emergency-vehicle use, GPS/navigation use, and voice-activated, voice-operated, or other hands-free use. N.D.C.C. § 39-08-23.</p> <p>A Class D driver age 16 or 17 may not use an electronic communication device to talk, compose, read, or send an electronic message while the vehicle is in motion, subject to emergency and safety exceptions. N.D.C.C. § 39-08-24. Instruction permit holders are subject to a similar restriction. N.D.C.C. § 39-06-04.</p>	No Applicable Laws	<p>"Traffic" includes a temporary stop or halt of motion, but does not include a lawfully parked vehicle. N.D.C.C. § 39-08-23.</p> <p>Mere device manipulation is not automatically unlawful because both permitted and prohibited uses may involve finger-to-phone tapping; the question is whether the observed conduct falls within prohibited statutory use. <i>State v. Morsette</i>, 924 N.W.2d 434 (N.D. 2019).</p> <p>Commercial-driver texting and hand-held mobile-telephone violations are serious traffic violations. N.D.C.C. § 39-06.2-02.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
OHIO	<p>A driver may not operate a motor vehicle while using, holding, or physically supporting an electronic wireless communications device. However, a driver may hold the device near his or her ear solely for the purpose of making, receiving, or conducting a phone call, so long as the driver does not manually enter letters, numbers, or symbols into the device. Ohio Rev. Code Ann. § 4511.204.</p> <p>Drivers under 18 with a temporary instruction permit or probationary license may not use an electronic wireless communications device in any manner while driving. Ohio Rev. Code Ann. § 4511.205.</p>	<p>No person shall operate a motor vehicle while wearing earphones over or earplugs in both ears. Exceptions include built-in hearing devices in protective headgear, hearing aids, law enforcement and emergency personnel, highway maintenance and refuse collection. Ohio Rev. Code Ann. § 4511.84</p>	<p>State law does not preempt substantially equivalent municipal ordinances that prescribe greater penalties. Ohio Rev. Code Ann. § 4511.204.</p> <p>Ohio's distracted-driving law recognizes emergency-use exceptions and the state's interest in preventing accidents caused by cell-phone distraction. <i>State v. Taylor</i>, 2024 Ohio 5956, 259 N.E.3d 1262 (Ohio Ct. App. 2024).</p> <p>Texting and hand-held mobile-telephone violations are serious traffic violations for commercial-driver purposes. Ohio Rev. Code Ann. § 4506.01.</p>
OKLAHOMA	<p>A driver may not use a hand-held electronic communication device to manually compose, send, or read an electronic text message while operating a motor vehicle in motion. Okla. Stat. tit. 47, § 11-901d.</p> <p>In marked school zones and road construction zones, a driver may not manually text or hold or use a hand-held cellular telephone while the vehicle is in motion, subject to hands-free, voice-operated, and emergency-use exceptions. Okla. Stat. tit. 47, § 11-901e.</p> <p>Learner permits and intermediate Class D licenses may be suspended or canceled for using a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes. Okla. Stat. tit. 47, § 6-105.</p>	<p>Earphones and headphones may not be used when operating a motorized powered vehicle. Exceptions are limited to devices that minimize injurious sound. Oklahoma City, Okla. Code of Ordinances §. 32-579</p> <p>No applicable state-wide laws.</p>	<p>Oklahoma preempts the field of inattentive-driving and cellular-phone-use regulation, and local ordinances may not be more stringent than state law. Okla. Stat. tit. 47, § 15-102.1.</p> <p>Commercial motor vehicle drivers and public transit drivers may not write, send, or read text-based communications while driving, and commercial motor vehicle drivers may not use a hand-held mobile telephone while operating a commercial motor vehicle. Okla. Stat. tit. 47, § 11-901c.</p> <p>The school-zone and road-construction-zone hand-held cellular-telephone restriction was added in 2025 and became effective November 1, 2025. Okla. Stat. tit. 47, § 11-901e.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
OREGON	<p>A driver may not drive on a highway or premises open to the public while holding a mobile electronic device in the driver's hand or using a mobile electronic device for any purpose. ORS 811.507.</p> <p>Exceptions and affirmative defenses include emergency communications, hands-free use by drivers age 18 or older, and certain commercial motor vehicle or school bus driver use permitted under federal regulations. ORS 811.507.</p>	No Applicable Laws*	<p>Cities, counties, and other local governments may not regulate or prohibit mobile communication device use by drivers. ORS 801.038.</p> <p>Oregon adopts federal motor carrier safety regulations, including federal commercial-driver texting and hand-held mobile-phone restrictions. Or. Admin. Code § 740-100-0010; 49 C.F.R. §§ 392.80, 392.82.</p> <p>Use of a mobile electronic device while operating a commercial motor vehicle is a serious traffic offense. Or. Admin. Code § 735-063-0360.</p> <p>Amendments to ORS §811.507 become operative January 1, 2027, and add medical-device language. ORS § 811.507. <i>State v. Rabanales-Ramos</i>, 273 Or. App. 228, 359 P.3d 250 (Or. App. 2015), interpreted an older, narrower version of ORS § 811.507 and should not be used to narrow the current statute.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
<p>PENNSYLVANIA</p>	<p>A driver may not use an interactive mobile device while driving a motor vehicle, except for emergency use. 75 Pa.C.S. § 3316.1.</p> <p>A driver also may not use an interactive mobile device to send, read, or write a text-based communication while operating a motor vehicle on a highway or trafficway while the vehicle is in motion. 75 Pa.C.S. § 3316.</p> <p>An interactive mobile device does not include a device used exclusively as a GPS/navigation system, a device used hands-free, a device used exclusively for emergency notification, or a device used by an emergency responder or commercial driver as permitted by statute. 75 Pa.C.S. § 102.</p>	<p>A driver may not operate a vehicle while wearing or using one or more headphones or earphones. Exceptions include hearing aids or other hearing-improvement devices, a cellular-telephone headset providing sound through only one ear and allowing surrounding sounds to be heard with the other ear, emergency-vehicle communication equipment, and specified motorcycle-related uses. 75 Pa.C.S. § 3314.</p>	<p>Sections 3316 and 3316.1 preempt municipal ordinances regarding driver use of interactive mobile devices. 75 Pa.C.S. §§ 3316, 3316.1.</p> <p>A driver may not be charged under both statutes for the same offense committed at the same time and place. 75 Pa.C.S. § 3316.</p> <p>Commercial motor vehicle and motor carrier vehicle drivers may not text or use a hand-held mobile telephone while driving, and employers may not permit or require that conduct. 75 Pa.C.S. §§ 1621, 1622.</p> <p>Texting or interactive-mobile-device violations may support enhanced sentencing in homicide-by-vehicle or aggravated-assault-by-vehicle cases. 75 Pa.C.S. §§ 3732, 3732.1.</p> <p>A driver may not operate a motor vehicle with certain video images visible to the driver while the vehicle is in motion, subject to exceptions for GPS, mapping, vehicle information, and safety displays. 75 Pa.C.S. § 4527.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
RHODE ISLAND	<p>A driver may not use a wireless handset or personal wireless communication device to compose, read, or send text messages, or for any other purpose, while driving on a public street or highway. Exceptions include public safety and emergency personnel, use while parked, standing, stopped and removed from traffic, or stopped due to vehicle inoperability, mounted GPS/navigation use, hands-free use, and single-swipe or single-tap hands-free operation. R.I. Gen. Laws § 31-22-30.</p> <p>A driver may not use a hand-held personal wireless communication device to engage in a call while the vehicle is in motion, subject to emergency, occupational, and hands-free exceptions. R.I. Gen. Laws § 31-22-31.</p> <p>Drivers under age 18 may not use a personal wireless communication device while driving except in an emergency. R.I. Gen. Laws § 31-22-11.9.</p>	<p>A driver may not operate a motor vehicle while wearing earphones or a headset. Exceptions include emergency-vehicle intercom systems, motorcycle helmet headsets, one-ear cellular-telephone headsets, hearing aids, and other statutory exceptions. R.I. Gen. Laws § 31-23-51.</p>	<p>Holding a hand-held personal wireless communication device to, or in the immediate proximity of, the operator's ear while the vehicle is in motion creates a presumption that the driver is engaged in a call. R.I. Gen. Laws § 31-22-31.</p> <p>Commercial motor vehicle drivers may not text or use a hand-held mobile telephone while driving, and motor carriers may not require or allow such use. R.I. Gen. Laws § 31-10.3-38; 49 C.F.R. §§ 392.80, 392.82.</p>
SOUTH CAROLINA	<p>A driver may not hold or support a mobile electronic device with any part of the body while operating a motor vehicle on a public highway. A driver also may not read, compose, or transmit text, or watch motion on a mobile electronic device. Exceptions include lawful parking or stopping, emergency or safety reporting, certain navigation or audio use if the device is not held, and initiating or ending a cellular call if the device is not held. S.C. Code Ann. § 56-5-3890.</p>	<p>No Applicable Laws</p>	<p>South Carolina's current law is broader than the former texting-only rule and was amended by the South Carolina Hands-Free and Distracted Driving Act, effective September 1, 2025. A first offense carries a \$100 fine; a second or subsequent offense carries a \$200 fine and two points. S.C. Code Ann. §§ 56-5-3890, 56-1-720. The statute preempts local ordinances, regulations, and resolutions regarding mobile-electronic-device use while operating motor vehicles on public highways. S.C. Code Ann. § 56-5-3890.</p> <p>South Carolina adopts federal motor-carrier safety regulations for covered motor carriers, including federal commercial-driver texting and hand-held mobile-phone restrictions. S.C. Code Regs. § 38-424; 49 C.F.R. §§ 392.80, 392.82.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
SOUTH DAKOTA	<p>A driver may not operate a motor vehicle while using a mobile electronic device, and may not access, read, or post to a social networking site while operating a motor vehicle. Exceptions include official use by law enforcement, firefighters, emergency medical personnel, authorized emergency-vehicle operators, public safety first responders, and certain utility personnel; emergency use; reporting unsafe driving, suspected impaired driving, or a crime; GPS/navigation use without manual entry; placing or receiving a telephone call; and voice-operated or hands-free use. SDCL §§ 32-26-47.1, 32-26-47.2.</p> <p>An instruction-permit holder may not use any wireless communication device while driving. SDCL § 32-12-11.</p>	No Applicable Laws	<p>“Operate” does not include a motor vehicle that is lawfully parked. SDCL § 32-26-46. A mobile electronic device used in violation of the distracted-driving statutes may not be seized merely to establish a violation, absent compliance with search-and-seizure requirements. SDCL § 32-26-48.</p> <p>South Dakota excludes GPS used to receive driving directions from the definition of “wireless communication device.” SDCL § 32-14-1.</p> <p>Commercial drivers may be disqualified for texting or hand-held mobile-phone violations, and South Dakota adopts federal commercial-driver standards. SDCL § 32-12A-34; S.D. Admin. R. 61:25:01:01; 49 C.F.R. §§ 392.80, 392.82.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
TENNESSEE	<p>A driver may not physically hold or support a wireless telecommunications device or stand-alone electronic device while operating a motor vehicle on any road or highway. A driver also may not write, send, or read a text-based communication, watch a video or movie, or record or broadcast video while driving. Drivers age 18 or older may use an earpiece, headphone device, or wrist-worn device for voice-based communication, may use voice-to-text and navigation functions, and may activate or deactivate a mounted device with one swipe or tap. Tenn. Code Ann. § 55-8-199.</p>	No Applicable Laws	<p>Drivers with a learner’s permit or intermediate license may not operate a motor vehicle in motion while using a hand-held cell phone, cell car phone, or other mobile phone unless there is a bona fide emergency; for drivers age 18 or younger, communicating with a custodial parent is deemed a bona fide emergency. Tenn. Code Ann. § 55-50-311.</p> <p>School bus drivers may not use a portable electronic device while the bus is moving and transporting children or while stopped to load or unload children, subject to limited two-way-radio, emergency, and mounted-navigation exceptions. Tenn. Code Ann. § 55-8-192.</p> <p>A driver may not operate a motor vehicle with a television receiver, video monitor, or video screen displaying images visible to the driver while the vehicle is in motion, subject to exceptions for vehicle information, navigation/GPS, driver-assist displays, certain disabled entertainment/business displays, and integrated displays when autonomous technology is engaged. Tenn. Code Ann. § 55-9-105.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
TEXAS	<p>A driver may not use a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. Affirmative defenses include emergency use, GPS/navigation use, hands-free use, reporting illegal activity, summoning emergency help, preventing injury, and reading an emergency, traffic, or weather alert. Tex. Transp. Code § 545.4251.</p> <p>A driver may not use a wireless communication device in a school crossing zone unless the vehicle is stopped or the device is used hands-free. A school bus or passenger bus driver carrying a minor may not use a wireless communication device unless the bus is stopped. Tex. Transp. Code § 545.425.</p> <p>A driver may not use a wireless communication device on public school property during an active reduced school-zone speed limit unless the vehicle is stopped or the device is used hands-free. Tex. Transp. Code § 545.4252.</p>	<p>No Applicable Laws You can be cited for distracted driving.</p>	<p>Texas preempts local ordinances regulating use of a portable wireless communication device to read, write, or send an electronic message while driving. Tex. Transp. Code § 545.4251.</p> <p>Texas also preempts some local wireless-device ordinances, but permits political subdivisions to prohibit wireless-device use while operating a motor vehicle throughout the jurisdiction. Tex. Transp. Code §§ 545.425, 545.4252.</p> <p>Commercial motor vehicle drivers remain subject to federal texting and hand-held mobile-phone restrictions. 49 C.F.R. §§ 392.80, 392.82.</p> <p>Do not cite <i>Churchill v. State</i>, No. 05-15-00869-CR (Tex. App. Oct. 25, 2016), for the current proposition that cell-phone use while driving is not illegal; that statement predated Texas's current statutory framework.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
UTAH	<p>A driver may not manually write or send a written communication, dial a phone number, access the internet, record video, take a photograph, enter data, read a written communication, or view a video or photograph on a wireless communication device while operating a moving motor vehicle. Permitted uses include voice communication, viewing GPS/navigation, reporting a medical emergency, safety hazard, or criminal activity, law-enforcement and emergency-service use, hands-free or voice-operated technology, and vehicle-integrated systems. Utah Code § 41-6a-1716.</p> <p>Drivers under age 18 may not use a wireless telephone to communicate while driving, subject to limited emergency, safety, criminal-activity, and parent/guardian exceptions. Utah Code § 41-8-4.</p>	<p>A motor vehicle may not be operated on a highway with a video display visible to the driver. Exceptions include displays used exclusively for safety or law-enforcement purposes, motor-vehicle navigation, monitoring equipment or operating systems, and connected platooning systems. Utah Code § 41-6a-1641.</p>	<p>A school bus operator may not use a cell phone, wireless electronic device, headset, earpiece, earphones, or other distracting equipment while operating the bus. Exceptions include safe and appropriate use of two-way radios, mounted GPS systems, and limited use after the bus is stopped and safely secured. Utah Admin. Code r. 277-601-3.</p> <p>Local highway authorities may not prohibit or restrict cellular-phone use by motor vehicle operators or passengers. Utah Code § 41-6a-208.</p> <p>Automobile homicide may apply when a death is caused by negligent operation of a moving vehicle while using a wireless communication device in violation of Utah Code § 41-6a-1716. Utah Code § 76-5-207.5.</p>
VERMONT	<p>A driver may not use a portable electronic device while operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic-control device, or other temporary delay. Hands-free use, emergency communication, and use of a manufacturer-installed or securely mounted GPS/navigation system are excepted. 23 V.S.A. § 1095b.</p> <p>A driver may not read or manually compose or send an electronic communication while operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic-control device, or other temporary delay. 23 V.S.A. § 1099.</p> <p>Drivers under age 18 may not use any portable electronic device while driving, except for emergency communication with law enforcement or emergency-service personnel. 23 V.S.A. § 1095a.</p>	<p>No Applicable Laws</p>	<p>Commercial motor vehicle operators may not text or use a hand-held mobile telephone while driving, and motor carriers may not require or allow such use. Emergency communication with law enforcement or emergency services is excepted. 23 V.S.A. § 4125.</p> <p>For commercial-driver purposes, texting does not include GPS/navigation use or pressing a single button to initiate or terminate a voice communication. 23 V.S.A. § 4103.</p> <p>Vermont assesses points for portable-electronic-device and texting violations, including enhanced point categories for work zones and school zones. 23 V.S.A. § 2502.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
VIRGINIA	<p>A driver may not hold a handheld personal communications device while driving a moving motor vehicle on Virginia highways. Exceptions include emergency-vehicle operators performing official duties, lawfully parked or stopped drivers, emergency reporting, amateur or citizens band radio use, and certain Virginia Department of Transportation traffic-incident management activity. Va. Code § 46.2-818.2.</p> <p>Drivers with a provisional license may not use a cell phone or other wireless telecommunications device while driving, except in an emergency. Va. Code § 46.2-334.01.</p> <p>School bus drivers may not use any wireless telecommunications device, handheld or otherwise, while driving, except in an emergency or when lawfully parked for dispatching; two-way radios and hands-free wireless communications with school or public safety officials are permitted. Va. Code § 46.2-919.1.</p> <p>Commercial motor vehicle drivers may not text or use a handheld mobile telephone while driving, except when necessary to communicate with law enforcement or emergency services; GPS/navigation use and pressing a single button to initiate or terminate a voice communication are excluded from “texting.” Va. Code § 46.2-341.20:5.</p>	<p>It is unlawful for anyone to operate a motor vehicle while using earphones on or in both ears. Exceptions include devices to aid hard of hearing, earphones in helmets for communication and “non-prosthetics, closed-ear, open back, electronic noise-cancellation devices for persons operating vehicles in high noise areas.” Va. St. § 46.2-1078</p>	<p>A violation of Va. Code § 46.2-818.2 is a traffic infraction punishable by a \$125 fine for a first offense, \$250 for a second or subsequent offense, and a mandatory \$250 fine if the violation occurs in a highway work zone. Motor carriers may not allow or require commercial motor vehicle drivers to use a handheld mobile telephone or text while driving. Va. Code § 46.2-341.20:6.</p> <p>Texting and handheld-mobile-telephone violations in a commercial motor vehicle are serious traffic violations for commercial-driver disqualification purposes. Va. Code § 46.2-341.20.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
<p>WASHINGTON</p>	<p>A driver may not use a personal electronic device while driving on a public highway. "Use" includes holding the device in either hand or both hands, using a hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve electronic data, and watching video on the device. Emergency-use exceptions apply. RCW § 46.61.672.</p> <p>A driver may also be cited for dangerously distracted driving if the driver engages in an activity unrelated to vehicle operation that interferes with safe operation; enforcement is secondary. RCW § 46.61.673.</p> <p>Intermediate-license holders may not operate a moving motor vehicle while using a wireless communications device, except to report illegal activity, summon emergency help, or prevent injury. RCW § 46.20.075.</p>	<p>A driver may not operate a motor vehicle on a public highway while wearing a headset or earphones connected to an electronic device that muffles or excludes other sounds. Exceptions include authorized emergency vehicles, approved motorcycle helmet headsets or earphones, motorcycle safety program participants, and approved hands-free wireless communication systems. RCW § 46.37.480.</p>	<p>Washington preempts local regulation of personal electronic device use while driving. RCW § 46.61.672.</p> <p>A second or subsequent violation is subject to double the base penalty. RCW § 46.61.672.</p> <p>Effective June 11, 2026, RCW § 46.61.672 adds an exception for certain commercial motor vehicle drivers when the use is permitted under federal law. A breach of a statute, ordinance, or administrative rule is generally evidence of negligence, not negligence per se. RCW § 5.40.050.</p>
<p>WEST VIRGINIA</p>	<p>A driver may not engage in actions involving a stand-alone electronic device or wireless telecommunications device that distract from safe operation. Prohibited conduct includes physically holding or supporting a wireless communication device, writing, sending, or reading text-based communications, making communications, retrieving electronic data, manually entering letters, numbers, or symbols, watching video, recording, posting, sending, or broadcasting video, or playing games while operating a motor vehicle. Exceptions include emergency reporting, utility emergency response, certain public safety first responders, commercial vehicle mobile data terminals, and use while lawfully parked. W. Va. Code § 17C-14-15.</p> <p>School bus drivers may not use or operate a wireless telecommunications device while the bus is in motion. W. Va. Code § 17C-14-15.</p> <p>Commercial drivers may not text while driving a commercial motor vehicle, and motor carriers may not allow or require commercial drivers to text while driving. W. Va. Code § 17E-1-14a.</p>	<p>No applicable Laws</p>	<p>Drivers of state-owned vehicles may not use a wireless electronic communication device while the vehicle is in motion unless the device is used hands-free. W. Va. Code R. § 148-3-8.</p> <p>Earlier intermediate appellate discussion of school-employee cellphone use while driving was superseded and should not be cited as current authority. <i>Shantie v. Bd. of Educ.</i>, 24-89 (W. Va. Nov. 25, 2025).</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
WISCONSIN	<p>A driver may not drive any motor vehicle while composing or sending an electronic text message or electronic mail message. Wis. Stat. § 346.89(3).</p> <p>A driver may not operate a motor vehicle while using a handheld mobile telephone in a highway maintenance or construction area, utility work area, or emergency or roadside response area, subject to emergency and official-duty exceptions. Wis. Stat. § 346.89(4m). A driver with an instruction permit or probationary license may not operate a motor vehicle while using a cellular or other wireless telephone, except to report an emergency. Wis. Stat. § 346.89(4).</p> <p>A driver may not drive a commercial motor vehicle while texting or using a handheld mobile telephone, subject to emergency exceptions. Wis. Stat. § 346.89(3m), (4s).</p> <p>A school bus driver may not use a cellular or other wireless telephone while loading or unloading passengers or while the bus is in motion and passengers are present, except to report an emergency, call for assistance after mechanical breakdown, or communicate with dispatch or law enforcement when no other device is available. Wis. Stat. § 346.89(4t).</p>	No Applicable Laws*	<p>“Driving” for Wisconsin’s texting statute includes temporary stops at stoplights and railroad crossings. <i>State v. Jensen</i>, 388 Wis. 2d 153, 932 N.W.2d 410 (Wis. 2019).</p> <p>Wisconsin prohibits inattentive driving when a person is so engaged or occupied as to interfere with safe driving. Wis. Stat. § 346.89(1).</p>
WYOMING	<p>A driver may not operate a motor vehicle on a public street or highway while using a handheld electronic wireless communication device to write, send, or read a text-based communication. Exceptions include use while lawfully parked, contacting an emergency response vehicle, writing, reading, selecting, or entering a telephone number or name to make or receive a telephone call, and voice-operated or hands-free technology. The prohibition does not apply to an emergency responder operating an emergency response vehicle while making communications necessary to official duties. Wyo. Stat. § 31-5-237.</p>	<p>A motor vehicle operated on Wyoming highways may not be equipped with television-type receiving equipment located so that the viewer or screen is visible from the driver’s seat. Exceptions include approved safety or law-enforcement uses and electronic displays used with vehicle navigation systems. Wyo. Stat. § 31-5-961.</p>	<p>A violation of Wyo. Stat. § 31-5-237 is a misdemeanor punishable by a fine of not more than \$75. Wyoming traffic laws are intended to be uniform statewide, although local governments may adopt consistent local traffic ordinances. Wyo. Stat. § 31-5-108; <i>Wofford v. City of Laramie</i>, 2016 WY 59, 375 P.3d 740 (Wyo. 2016).</p>

These materials and other materials promulgated by Matthiesen, Wickert & Lehrer, S.C. may become outdated or superseded as time goes by. If you should have questions regarding the current applicability of any topics contained in this publication or any publications distributed by Matthiesen, Wickert & Lehrer, S.C., please contact Gary Wickert at gwickert@mw-law.com. This publication is intended for the clients and friends of Matthiesen, Wickert & Lehrer, S.C. This information should not be construed as legal advice

concerning any factual situation and representation of insurance companies and/or individuals by Matthiesen, Wickert & Lehrer, S.C. on specific facts disclosed within the attorney\client relationship. These materials should not be used in lieu thereof in anyway.