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LAWS REGARDING USING CELL PHONES/HEADPHONES/TEXTING WHILE DRIVING

Every year, more than 170 billion cell phone texts are sent and received. 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. 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. Every state is different, and some states have no legislation whatsoever. Related laws governing the use of headphones or other devices which would impair a driver’s attention or hearing are also included where relevant.

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
ALABAMA	<p>No person may operate a motor vehicle while using a wireless telecommunication device to write, send, or read a text-based communication, except when obtaining emergency services, using device while parked, or using as a GPS. Ala. Stat. § 32-5A-350</p> <p>No driver under the age of 18 may operate a vehicle while using a cell phone, unless it is essential to operation of the vehicle. Ala. Stat. § 32-6-7.2</p>	No Applicable Laws	

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ALASKA	<p>No person of any age may send, receive, or write text messages while operating a motor vehicle, except if it is in an emergency vehicle or if the information on the device is believed to relate to health, safety, or a criminal matter. Alaska Stat. § 28.35.161.</p> <p>No applicable state law on cell phone use.</p>	<p>No driver may wear headsets, headphones, or other headgear used for receiving sound or transmitting it to a driver. Exceptions include headgear for law enforcement purposes, communication between a motorcyclist and passenger, or hearing aids. Alaska Stat. § 13.04.260</p>	<p>Driver's may not wear a headset, headphones or other headgear designed for receiving sound and transmitting sound to the driver. Exceptions include hearing aid devices, and headgear used for safety or law enforcement processes. Angoon, Alaska Code of Ordinances § 10.15.150</p> <p>Driver of a motor vehicle may not wear a headset, headphones, or other headgear for receiving sound and transmitting sound to driver. Exceptions include headgear for safety, law enforcement purposes, or for helping improve hearing ability. Juneau, Alaska Code of Ordinances § 72.04.260</p>
ARIZONA	<p>Ariz. Stat. § 28-914</p> <p>The new law becomes effective on January 1, 2021. It prohibits the following use of cell phones:</p> <ul style="list-style-type: none"> • Holding a cell phone in any way while talking on the phone, including propping it up with a shoulder. • Watching any kind of video or recording a video. • Writing, sending, or reading any text-based communication including a text, instant message or e-mail. 	<p>None.</p>	<p>The following cell phone use is allowed in Arizona while driving:</p> <ul style="list-style-type: none"> • Swiping a phone screen to make or accept a phone call. • Using a handheld cell phone to call 911. • Talking on the phone if using an earpiece, headphone device or device worn on a wrist. • Using voice-based communication, such as a talk-to-text function. • Using a GPS system. • Using a handheld cell phone while stopped at a traffic light or stop light.

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<p style="text-align: center;">ARKANSAS</p>	<p>No driver may operate a vehicle while using a hand-held wireless phone for wireless interactive communications, unless it is an emergency situation or if you are performing duties as certified emergency personnel. A.C.A. § 27-51-1504(a)</p> <p>Drivers under the age of 18 may not use a wireless phone for wireless interactive communication while operating a motor vehicle, unless it is during an emergency. A.C.A. § 27-51-1603 (a)</p> <p>Drivers under the age of 21, but older than 18, may not use a cell phone for texting, but may use a cell phone in a hands-free manner. A.C.A. § 27-51-1604(2)</p> <p>No driver may use a hand-held wireless phone while in a school zone or passing a school building with children present. A.C.A. § 27-51-1609(a)</p> <p>No driver may use a hand-held wireless telephone when in a worker zone with workers present. A.C.A. § 27-51-1610 (a)</p>	<p style="text-align: center;">No Applicable Laws</p>	<p>Any local laws regarding cell phone use are preempted by state law. A.C.A. § 27-51-1505</p>
<p style="text-align: center;">CALIFORNIA</p>	<p>A person shall not drive a motor vehicle while using a wireless phone unless that phone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving, except for emergency purposes or for emergency services professionals while in the course/scope of their duties. Cal. Veh. Code § 23123</p> <p>A person shall not drive a motor vehicle while using an electronic wireless communication device to write, send, or read a text-based communication, unless it is voice operated and hands-free. Cal. Veh. Code § 23123.5</p> <p>Drivers under the age of 18 shall not drive a motor vehicle while using a wireless phone, even if it is hands-free. Cal. Veh. Code § 23124</p>	<p>A person may not wear a headset or earplugs in both ears while operating a motor vehicle. Exceptions include persons using special construction equipment or equipment for maintaining highways, person operating refuse collection equipment, hearing aids for hard of hearing, and using earplugs to attenuate injurious noise levels. Cal. Veh. Code § 27400</p>	

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COLORADO	Anyone under the age of 18 may not use a cell phone or text while driving. Persons over the age of 18 may use a cell phone while driving but may not text while driving. C.R.S. § 42-4-239	No person shall operate a motor vehicle while wearing earphones. Exceptions to this are built-in listening devices in protective headgear, or a headset/gear that only covers one ear and connects to a wireless phone. C.R.S. § 42-4-1411	Any local laws are preempted by state law. C.R.S. § 42-4-239
CONNECTICUT	Hand-held phone use is prohibited, but hands-free phone use is allowed. C.G.S.A. § 14-296aa(b)(2) Drivers under the age of 18 may not use a cell phone in any capacity, hand-held or hands-free. C.G.S.A. § 14-296aa(d) No person may operate a vehicle, and use their cell phone to send, read, or type a text message. C.G.S.A. § 14-296aa(b)(1)	No Applicable Laws	
DELAWARE	Use of a cell phone is prohibited for a driver with a learner's permit or other restricted licenses. 21 Del. C. § 2710 No one may operate a motor vehicle while using a cell phone in any manner unless it is hands-free. 21 Del. C. § 4176C(a)	No Applicable Laws	
DISTRICT OF COLUMBIA	Cell phones may only be used if they are used in a hands-free manner. This includes text messaging. Hand-held use is prohibited, unless in emergency situations. D.C. Code Ann. § 50-1731.04 Drivers with a learner's permit or school bus drivers who are carrying passengers are prohibited from using hand-held or hands-free cell phones, unless in emergency situations. D.C. Code Ann. § 50-1731.05	No Applicable Laws	
FLORIDA	A person operating a motor vehicle may not use their wireless phone to text, e-mail, etc., while the vehicle is in operation. F.S.A. § 316.305 No applicable law on using cell phones to talk while driving or requirements that it must be hands-free.	You cannot operate a motor vehicle while wearing a headset, headphone, or other listening device, other than a hearing aid. Exceptions include law enforcement equipped with any communication device that is necessary to their duties, motorcyclists who use a headset inside their helmet and headsets that only cover one ear. F.S.A. § 316.304	Regulation of cell phone use is preempted to the state. F.S.A. § 316.0075

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<p>GEORGIA</p>	<p>No driver with an instruction permit or a Class “D” license who is under the age of 18 may operate a cell phone while driving, except for emergency situations, while the vehicle is parked, or reporting a situation that the operator feels is unsafe for his or her personal safety. O.C.G.A. § 40-6-241.1</p> <p>Texting, watching video, and internet use is banned while holding the phone. Only “hands-free” use allowed; which means it cannot be on lap or on shoulder. A driver cannot reach for a device if he cannot maintain seated position. Can use phone if “lawfully parked.” (House Bill 673). O.C.G.A. § 40-6-240</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>House Bill 673 became effective on July 1, 2018 and requires drivers to use hands-free technology when using cellphones and other electronic devices. Previous law said it was okay to dial and hold phone, but not text; however, it was impossible to enforce because the police couldn’t tell what the driver was doing.</p>
<p>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(b)</p>	<p>No Applicable Laws</p>	<p>All county and city laws are preempted by state law. Haw. Rev. Stat. § 291C-137(h)</p>
<p>IDAHO</p>	<p>No driver may operate a hand-held wireless device and send, read, or compose text messages while driving a motor vehicle. Idaho Code § 49-1401A</p>	<p>No Applicable Laws</p>	
<p>ILLINOIS</p>	<p>A person cannot operate a vehicle on a roadway while using an electronic communication device. Exceptions include law enforcement officers or emergency vehicle operators while doing their duty, or if the device is hands-free or the driver is parked or sitting in traffic. 625 I.L.C.S. § 5/12-610.2</p> <p>A person under the age of 19 who has an instruction permit or a graduated license may not drive while using a wireless phone. 625 I.L.C.S. § 5/12-610.1</p> <p>No person, regardless of age, may use a phone while driving if in a construction/maintenance zone or school speed zone, or within 500 feet of an emergency scene. 625 I.L.C.S. § 5/12-610.1</p>	<p>Drivers cannot wear a headset receiver while driving. Exceptions include single ear headsets/earpieces used with phones, hearing aids, or equipment used exclusively for safety or traffic engineering studies, law enforcement personnel on duty or medical/fire service personnel. 625 I.L.C.S. § 5/12/610</p>	

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INDIANA	<p>No driver may operate a cell phone to send, receive, or read text messages, unless it is done so hands-free. I.C. § 9-21-8-59(a)</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	
IOWA	<p>No minor between the ages of 14 and 18 with a Class “C” or “M” license may use electronic communication devices while operating a vehicle, unless the vehicle is completely stopped and parked. I.C.A. § 321.194</p> <p>No person may use an electronic communication device to send, receive, or write a text message while operating a motor vehicle, unless it is hands-free and voice operated. I.C.A. § 321.276</p>	No Applicable Law	
KANSAS	<p>Restricted license holders may not use wireless communication devices while driving, unless it is an emergency situation or reporting illegal activity. K.S.A. § 8-2-101</p> <p>No driver may use cell phones to conduct written communication while driving a motor vehicle or motorcycle. Exceptions include emergency situations, emergency personnel acting in the course and scope of their employment or receiving an emergency alert. K.S.A. § 8-15-111</p>	No Applicable Laws	
KENTUCKY	<p>Any driver under the age of 18 who has an instruction permit, intermediate license, or operator’s license shall not operate a motor vehicle or motorcycle while using a personal communication device. K.R.S. § 189.294</p> <p>No driver may operate a motor vehicle and write, send, or read text-based communications using a personal communication device. Exceptions include emergency situations, summoning emergency help, or reporting illegal activity. K.R.S. § 189.292</p>	No Applicable Laws	No city, county, urban-county, local government, or special district may impose restrictions on phone use in vehicles. K.R.S. § 65.873

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LOUISIANA	<p>No cell phone use while driving for first year having drivers' license. La. R.S. § 32:289.1</p> <p>No driver of any age may write, send, or read a text while driving. La. R.S. § 32:300.5</p> <p>Drivers with a Class "E" learner's permit limited to "hands-free" cell phone use. La. R.S. § 32:300.6</p> <p>Drivers under age 17, no cell phone use or sending/reading texts while driving, unless it is an emergency. La. R.S. § 32:300.7</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>	Any local laws regarding cell phone use are preempted by state law. La. R.S. § 33:31
MAINE	<p>Drivers who hold an instruction permit or are under 18 may not operate a vehicle and a cell phone. 29-A M.R.S.A. § 1311</p> <p>No person may operate a motor vehicle while engaging in text messaging. 29-A M.R.S.A. § 2119</p>	No Applicable Laws	
MARYLAND	<p>No driver may operate a vehicle while using a cell phone in a hand-held manner or to text message. Md. Code, Trans. Law § 21-1124.1</p> <p>Drivers who hold a learner's or instruction permit and are under the age of 18 may not use a wireless communications device while operating a vehicle. Md. Code, Trans. Law § 21-1124.1-(d)(1)(i)</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	No person may operate a motor vehicle while using a cell phone, texting, or wearing headphones. Ocean City, Maryland Code of Ordinances § 14-333 (c)(1)(e)
MASSACHUSETTS	<p>Use of cell phone is permitted as long as the driver keeps one hand on the steering wheel. Driver must be over the age of 18 for this to apply. M.G.L.A. 90 § 13</p> <p>No person operating a motor vehicle in motion may compose, send, or read an electronic text message with a hand-held device, unless the vehicle is parked. M.G.L.A. 90 § 13B-a</p> <p>No driver under the age of 18 may operate a motor vehicle M.G.L.A. 90 § 8M</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	

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MICHIGAN	<p>No person shall read, manually type, or send a text message on a wireless communication device in a hand-held manner while operating a motor vehicle. M.C.L.A. § 257.602b(1)</p> <p>An individual with a level 1 or level 2 graduated license shall not use a cell phone in a hand-held manner while operating a motor vehicle. Voice operated use is allowed if it is integrated into the vehicle. Exceptions include emergency situations, reporting an accident, or road hazard. M.C.L.A. § 257.602c(1)</p>	No Applicable Laws*	<p>All local and city laws are preempted by state law. M.C.L.A. § 257.602b(6)</p> <p>*You can be cited for careless driving if it is deemed the headphones caused the accident.</p>
MINNESOTA	<p>A driver who has a learner's permit or provisional license may not use a cell phone in any manner while operating their vehicle. Exceptions include emergencies or emergency situations. M.S.A. § 171.05</p> <p>No person operating a vehicle may operate a wireless telecommunications device to compose, read, or send electronic messages when a vehicle is in motion or in traffic. Exceptions include use in hands-free mode, making a phone call, obtaining emergency assistance, or if you are in an authorized emergency vehicle performing official duties. M.S.A. § 169.475</p>	No person, while operating a motor vehicle, shall wear headphones or earphones that are used in both ears simultaneously. Exceptions include hearing aids and emergency personnel. M.S.A. § 169.471	
MISSISSIPPI	<p>No driver may operate a motor vehicle while reading, writing, or sending a text message in a hand-held manner, although voice activated or hands-free is allowed. M.C.A. § 63-33-1(2)</p> <p>No applicable law on hand-held cell phone use except for texting.</p>	No Applicable Laws	<p>No county, municipality, or other political subdivision may enact an ordinance restricting cell phone use in motor vehicles until state authorizes such a law.</p> <p>M.C.A. § 63-3-212</p>
MISSOURI	<p>No driver under the age of 21 may send, receive, or read a text message in a hand-held manner while operating a motor vehicle. Mo. Rev. Stat. § 304.820(1)</p> <p>No applicable laws on cell phone use.</p>	No Applicable Laws	Local communities may pass their own laws regarding cell phone use.

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MONTANA	No Applicable Laws	No Applicable Laws	<p>Several cities and counties have passed cell phone, hand-held, and texting bans.</p> <p>Baker, Montana bans all use of hand-held cell phones while driving, unless it is hands-free.</p> <p>Billings, Montana bans all hand-held cell phone use, but hands-free is allowed.</p> <p>Helena, Montana bans all use of hand-held cell phones, but hands-free is allowed.</p> <p>Missoula, Montana prohibits text messaging while driving.</p> <p>Whitefish, Montana prohibits texting and the use of hand-held cell phones.</p> <p>Hamilton, Montana prohibits the use of hand-held cell phones and texting while driving.</p> <p>Great Falls, Montana prohibits texting and the use of hand-held cell phones while driving.</p> <p>Columbia Falls, Montana prohibits texting and hand-held cell phones while operating a motor vehicle.</p> <p>Butter-Silver Bow and Anaconda-Deer Lodge Counties prohibit texting and use of hand-held cell phones while driving.</p>

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NEBRASKA	<p>Driver with a provisional operator’s permit shall not use any type of interactive wireless telecommunication device while operating a motor vehicle. Neb. Rev. Stat. § 60-4, 120.01</p> <p>Holder of a learner’s permit (LPD) may not use interactive wireless telecommunication device while operating a motor vehicle.* Neb. Rev. Stat. § 60-4, 123</p> <p>Holder of school learner’s permit (LPE) may not use an interactive wireless telecommunication device while operating motor vehicle.* Neb. Rev. Stat. § 60-4, 124</p> <p>No driver may operate a motor vehicle while using a hand-held wireless communication device to read, write, or send a text message. This does not include hands-free or built-in wireless technology. Neb. Rev. Stat. § 60-6, 179.01</p>	No Applicable Laws	<p>*An LPD is a permit issued to allow a person to legally practice driving for a Provisional Operator’s Permit (POP), Operator’s (Class O) or Motorcycle (Class M) License. Minimum age 15. An LPD is only valid for one year.</p> <p>*An LPE is a School Learner’s Permit which is issued for the purpose of allowing a student to legally practice driving for a school permit. Individuals must be at least 14, but younger than 16 years to apply for an LPE. An LPE is only valid for three months but can be renewed.</p>
NEVADA	<p>No person shall operate a motor vehicle while manually using a hand-held device to send, read, or type a non-voice communications message. No person shall operate a vehicle while using a hand-held device in a hand-held manner. Exceptions include emergency personnel, emergency situations or situations that require immediate action. N.R.S. § 484B.165(1)(a) and (b)</p>	No Applicable Laws	<p>No agency, board, commission, or political subdivision of the state or local government may regulate the use of telephonic devices by drivers operating motor vehicles. N.R.S. § 707.375</p>
NEW HAMPSHIRE	<p>No driver may operate a vehicle and use an electronic device in a hand-held manner. Exceptions include emergency situations, two-way radios, or operating in a hands-free manner. N.H. Rev. Stat. Ann. § 265:89-C</p> <p>No driver under the age of 18 may operate a vehicle and use a mobile device, regardless if it is hands-free. N.H. Rev. Stat. Ann. § 265:89-C-IV</p> <p>No driver, regardless of age, may operate a vehicle and send, receive, or type a text message. N.H. Rev. Stat. Ann. § 265:105-a</p>	<p>Bluetooth headsets are allowed. N.H. Rev. Stat. Ann. § 265:89-C-II</p>	

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NEW JERSEY	<p>Drivers with a learner’s permit may not use a cell phone in any capacity. N.J.S.A. § 39:3-13.2a</p> <p>All cell phone use must be hands-free, which includes text messaging. N.J.S.A. § 39:4-97.3(a)</p>	No Applicable Laws	<p>No person may use earphones or headphones while operating a self-propelled vehicle, motorized vehicles, or bicycles while on the street.</p> <p>Sayreville Borough, N.J. Code of Ordinances § 5-19.</p>
NEW MEXICO	<p>No driver shall read, write, or view a text message on a hand-held device, unless it is an emergency situation. N.M.S.A. § 66-7-374</p> <p>No state laws on telephone calls.</p>	No Applicable Laws	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.
NEW YORK	<p>Only hands-free use of hand-held devices is allowed. No driver may send, receive, or read text messages or make calls, unless it is hands-free. N.Y. Veh. & Traf. Law § 1225-c</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>	
NORTH CAROLINA	<p>Any driver under the age of 18 or anyone with a learner’s permit cannot use a cell phone in any capacity. N.C.G.S.A. § 20-137.3</p> <p>No driver may operate a motor vehicle and use a hand-held device to read, send, or type a text message. N.C.G.S.A. § 20-137.4a</p>	No Applicable Laws	
NORTH DAKOTA	<p>The operator of a motor vehicle may not use a wireless communication device to write, read, or send a text message. This does not apply to cell phone calls. N.D.C.C. § 39-08-23(1)</p> <p>Any minor under the age of 18 with a Class “D” license, may not operate an electronic communication device in any capacity, except for emergencies or to prevent a crime. N.D.C.C. § 39-08-24</p>	No Applicable Laws	<p>Devils Lake, N.D. Code of Ordinances §§ 10.16.460 and 10.16.450 prohibit the use of a wireless cell phone from being used to send, receive, or write text messages while driving. Drivers under the age of 18 may not use a cell phone in any capacity.</p> <p>Grand Forks, N.D. Code of Ordinances § 8-0528 prohibits an operator of a motor vehicle from using a wireless communications device to compose, read, or send an electronic message.</p>

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OHIO	<p>No person shall drive a motor vehicle while using a hand-held electronic wireless communications device while using text-based capabilities. Ohio Rev. Code Ann. § 4511.204</p> <p>Drivers under 18 may not use any type or electronic wireless communications devices while driving, unless using the electronic device in an emergency situation or when the vehicle is parked. 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 does not preempt substantially equivalent municipal ordinances. Ohio Rev. Code Ann. § 4511.204</p>
OKLAHOMA	<p>No driver may operate a motor vehicle on any street or highway while using a hand-held electronic communication device to compose, read, or send text messages. Exceptions apply if there is an emergency situation and the driver is contacting emergency services or law enforcement. 47 Okla. Stat. Ann. § 11-901(d)</p> <p>Drivers with a learner permit or Class “D” license may not use a cell phone while driving in any capacity. 47 Okla. Stat. Ann. § 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>Any local laws regarding cell phone use are preempted by state law.47 Okla. Stat. Ann. § 15-102.1</p>
OREGON	<p>All cell phone use while driving must be hands-free. No driver may send, receive, or read a text message while driving. Drivers under the age of 18 may not operate a vehicle and use a cell phone in any capacity. O.R.S. § 801.507</p>	<p>No Applicable Laws*</p>	<p>City, county, or local government may not enact laws regulating use of cell phones in motor vehicles. O.R.S. § 801.038</p> <p>*Cities and counties may pass ordinances against headphones while driving.</p>
PENNSYLVANIA	<p>No driver shall operate a motor vehicle on a highway or in traffic way while using a wireless communications device to send, read, or write text-based messages while the vehicle is in motion. 75 Pa. C.S.A. § 3316</p>	<p>No driver shall operate a vehicle while wearing or using one or more headphones or earphones. Exceptions include hearing aids or other devise for improving the hearing of driver, cell phone headsets that cover one ear only, communication equipment used by driver of emergency vehicles or by motorcycles if the equipment is in the helmet. 75 Pa. C.S.A. § 3314</p>	<p>Any local laws regarding texting while driving are preempted. 75 Pa. C.S.A. § 3316</p>

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RHODE ISLAND	<p>Drivers under the age of 18 may not operate cell phones in any capacity, unless it is an emergency situation. R.I.G.L. § 31-22-11.9</p> <p>No person while operating a motor vehicle may compose, read, or send a text message. Exceptions are allowed for hands-free operation and emergency situations. R.I.G.L. § 31-22-30</p>	<p>Headsets, remote microphones, earpieces are allowed to be used while driving if it makes a cell device "hands-free." R.I.G.L. § 31-22-30(2)</p>	
SOUTH CAROLINA	<p>A driver may not send, read or compose text-based communications while operating a motor vehicle. Exceptions include if the vehicle is parked, hands-free device is being used, or in emergency situations. S.C. Code Ann. § 56-5-3890</p>	<p>No Applicable Laws</p>	<p>Any local ordinances or regulations are preempted by state law regarding wireless electronic communication devices and their operation on the public streets and highways. S.C. Code Ann. § 56-5-3890(G)</p>
SOUTH DAKOTA	<p>No hand-held electronic wireless communication device may be used by a driver for text-based communications. Exceptions include if the vehicle is parked, contacting emergency personnel, or while using hands-free technology. S.D.C.L. § 32-26-47</p> <p>No driver under the age of 18 or holding a restricted minor's permit may operate a vehicle and use a wireless communication device in any manner. S.D.C.L. § 32-12-12</p>	<p>No Applicable Laws</p>	
TENNESSEE	<p>No driver possessing a learner's permit or intermediate license shall 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. T.C.A. § 55-50-311</p>	<p>No Applicable Laws</p>	<p>No person with a learner's permit or intermediate restricted license may operate a motor vehicle. Brentwood, TN Code of Ordinances § 66-271</p>
TEXAS	<p>No driver under 18, during the 12-month period following issuance of original license can use a cell phone while operating a vehicle, unless it is an emergency situation. Tex. Trans. Code § 545.424(2)</p> <p>No texting laws, except for learner's permits/drivers under the age of 18.</p>	<p>No Applicable Laws</p> <p>You can be cited for distracted driving.</p>	<p>No driver may operate a motor vehicle while in a school zone. Exceptions include if the vehicle is parked/stopped or the device is hands-free or being used to summon emergency officials. Tex. Trans. Code § 545.425</p> <p>Forty cities have passed texting and cell phone laws.</p>

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
UTAH	<p>No person operating a motor vehicle may write, send, or read a written text, instant message, or electronic mail. No driver may operate a cell phone in a hand-held manner. Exceptions include emergencies, using as GPS, or reporting a safety hazard. U.C.A. § 41-61-1716(2)</p>	No Applicable Laws	Local highway authorities may not prohibit cell phone use while driving. U.C.A. § 41-6a-208
VERMONT	<p>No driver shall use a portable electronic device while operating a vehicle. This includes cell phone use and texting. Drivers under the age of 18 cannot use a portable electronic device in any manner. Exceptions include headset for hands-free use and if it is necessary to use the device to communicate with law enforcement.</p> <p>Vt. Stat. Ann. tit. 23 § 1095b-b-1 Vt. Stat. Ann. tit. 23 § 1099-b-1</p>	No Applicable Laws	
VIRGINIA	<p>No person may operate a vehicle while using a hand-held personal communication device to write, send, or read any text message or email. Exceptions include when vehicle is parked or in emergency situations. Va. St. § 46.2-1078.1-A</p> <p>Provisional license holders may not operate a vehicle with any cell phone, even if it is hands-free, unless the vehicle is parked or for emergency situations. Va. St. § 46.2-334.01</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	
WASHINGTON	<p>Drivers may use a cell phone if it is used in a hands-free manner. R.C.W.A. § 46.37.480</p> <p>Hand-held phone use while driving is prohibited. Exceptions include emergency situations, reporting illegal activity, and preventing injury to a person or property. R.C.W.A. § 46.61.667 (1)(a)</p> <p>No driver may operate a motor vehicle while texting. Exceptions include when a vehicle is parked and off the road, reporting illegal activity, summoning emergency personnel, or to prevent injury to a person or property. R.C.W.A. § 46.61.668</p>	No driver while operating a vehicle may use headphones, earbuds or a headset if it is for listening to a radio or to receive a radio broadcast. R.C.W.A. § 46.37.480	

STATE	CELL PHONE/TEXTING	OTHER PROHIBITIONS	COMMENTS
WEST VIRGINIA	<p>No person may drive or operate a motor vehicle while texting or using a cellphone. Exceptions include cell phone usage in a hands-free manner, usage by emergency personnel in course with their duties, and reporting an emergency. W. Va. Code § 17C-14-15</p> <p>Drivers with a level one instruction permit and those under the age of 18 may not use a wireless communication device while operating a motor vehicle. Exceptions include emergency situations and when contacting emergency personnel. W. Va. Code § 17B-2-3(a)</p>	No applicable Laws	
WISCONSIN	<p>No one can drive a motor vehicle while composing or reading an electronic text message or mail message. Exceptions include authorized operators of emergency vehicles or if it is hands-free. Wis. Stat. § 346.89(3)(a)</p> <p>Novice drivers holding a learner’s permit or intermediate license may not operate a motor vehicle while using a cellular device in any capacity. Wis. Stat. § 346.89(4)(a)</p> <p>No person may operate a motor vehicle with a hand-held cell phone while in a work zone. Exceptions include emergency situations or if being used hands-free. Wis. Stat. § 346.89(4)(m)</p>	No Applicable Laws*	*Although driving with headphones/earbuds is not illegal, you can be cited for inattentive driving.
WYOMING	You cannot operate a motor vehicle while using a hand-held electronic wireless communication device for text messaging. Exceptions include texting while parked and contacting an emergency response vehicle. Wyo. Stat. § 31-5-237	No Applicable Laws	

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