

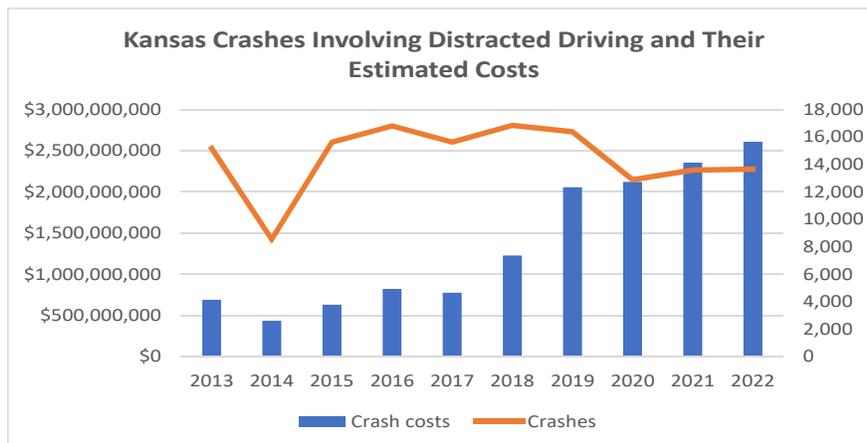
December 20, 2023

COSTS OF AND LAWS TO REDUCE DISTRACTED DRIVING

This memorandum provides information on restrictions on fully licensed adult drivers' uses of electronic devices while driving noncommercial vehicles in Kansas and in other states. It also provides information on costs of distracted driving in general, fines and penalties, and restrictions on commercial drivers. The statutes reviewed for this memorandum are listed in **Appendix A**.

Costs

Distracted driving is costly to individuals, the states, and the nation. The National Highway Traffic Safety Administration (NHTSA) estimated in 2021 3,522 people died and 362,415 additional people were injured in the United States in crashes reported as involving distracted drivers. Nationally, costs were estimated at \$98 billion for lost productivity, legal representation and courts, medical services, insurance administration, congestion impacts, and property damage.¹ NHTSA further estimated 644 of those who died were not inside vehicles.



The Kansas Department of Transportation (KDOT) has reported 88 people died and 5,389 were injured in nearly 12,500 distraction-related crashes from 2017 through 2022. According to data compiled by KDOT, more than 155,500 crashes in Kansas since 2013 have involved distracted drivers, with total associated costs of approximately \$15.9 billion; those numbers include nearly 10,500 crashes and costs of \$2.2 billion in 2023 through late November. The chart below shows numbers of crashes and their estimated costs for 2013 through 2022²

¹ "Distracted Driving in 2021," Traffic Safety Facts Research Note, [National Highway Traffic Safety Administration](#), May 2023, accessed December 2023. Costs are for 2019, the most recent year available.

Laws Prohibiting Distracted Driving in General

Laws of at least ten states address driving while distracted by activities other than using an electronic device, either included in laws prohibiting electronic device use while driving or as stand-alone laws on distracted, inattentive, or careless driving. Language in those statutes includes the following:

- Connecticut: [N]o person shall engage in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such vehicle on any highway;
- Delaware: Whoever operates a vehicle and who fails to give full time and attention to the operation of the vehicle, or whoever fails to maintain a proper lookout while operating the vehicle, shall be guilty of inattentive driving;
- Maine: “Operation of a motor vehicle while distracted” means the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity: (1) That is not necessary to the operation of the vehicle; and (2) That actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle; and
- North Dakota: An operator of a motor vehicle may not fail to maintain control of that motor vehicle. An individual is in violation of this section if that individual: a. Commits an offense under this title and, at the time of the offense, the individual was engaged in the operation of a motor vehicle while distracted.

The full text of each statute generally prohibiting distracted driving as identified for this memorandum is in **Appendix B**.

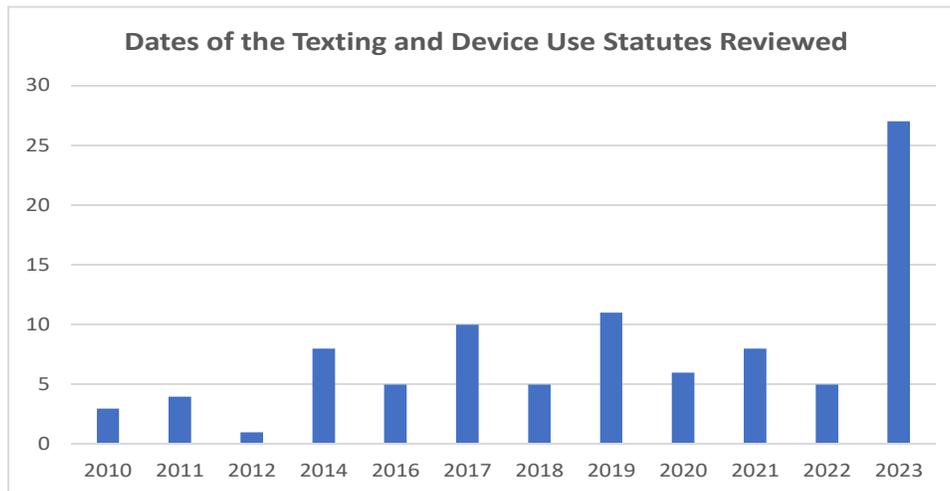
“Reckless” has not been found to be equivalent to “distracted.” KSA 8-1566 prohibits reckless driving. The Kansas Supreme Court in its opinion in *State v. Remmers*, 278 Kan. 598, 102 P.3d 433 (2004), stated, “There was no evidence of speeding, swerving, driving erratically, or leaving the scene of the accident. Defendant's statement to the investigating officer was that he was inattentive and failed to see the stop sign or the approaching Smith vehicle. Evidence of defendant's mental state or aggravating circumstances necessary for a conviction of reckless driving is absent.”

State Laws Restricting Use of Electronic Devices in Vehicles

The [Centers for Disease Control and Prevention](#) and NHTSA have described distracted driving as any task that diverts use of a driver's eyes, hands, or cognition from the driving task. Use of electronic devices in vehicles can involve all three. According to the [National Conference of State Legislatures](#), “[m]ore than 220 million people in the United States subscribe to wireless services, and it is estimated that as many as 80% of those subscribers use their phones while driving.” All states except Montana prohibit at least some uses of wireless electronic devices by drivers. Of 142 people fatally injured in Kansas crashes in 2013 through 2022 that KDOT reported as involving distracted driving, 69 died in crashes related to mobile phone use.

2 Kansas Department of Transportation [Crash Statistics](#); Unofficial 2023 data were provided to the Kansas Legislative Research Department via open records request to the agency.

The District of Columbia and 46 states have added or amended laws on texting or other in-vehicle device use since KSA 8-15,111 was enacted in 2010, Kansas’ statute prohibiting texting in certain circumstances. Of the 106 statutes reviewed for this memorandum, including penalty provisions, many were amended or added in 2023.



Activities or Actions the Laws Prohibit

In 2021, the National Academies of Sciences, Engineering, and Medicine released a report on using electronic devices while driving³ that includes an appendix on model legislation (National Academies report). Among its recommendations are using the term “electronic device” as opposed to specifying a particular type of device and to clearly state behaviors the driver cannot engage in, including holding the device with any part of the body, manually entering text or engaging in multiple swipes or taps, and using a device to stream, record, or broadcast video.

Wording from current statutes that captures the essence of the prohibition related to device use while driving in each state is provided in **Appendix C**. Key words noted in the appendix and in the table below describe the prohibitions: whether the state prohibits use of any device or addresses only communications devices, whether the device can be used with minimal hand motion (“hands-free”) or voice operation, whether the prohibition focuses on holding a device, whether the prohibition on activity focuses on text-based communication, and whether driver interaction with video is prohibited. As noted above, Montana law contains no such prohibitions.

The table below summarizes the prohibitions in each state by using key words in those prohibitions. The table also provides the most recent amendment date or an enactment date; multiple dates may be mentioned if more than one statute is summarized. The term “hands-free” in these laws generally does not prohibit use of a finger to activate or deactivate the device, such as with a swipe or pressing a single button.

Key Words in State Laws Prohibiting Device Use While Driving

3 National Academies of Sciences, Engineering, and Medicine. 2021. [Using Electronic Devices While Driving: Legislation and Enforcement Implications](https://doi.org/10.17226/26082). Washington, DC: The National Academies Press. <https://doi.org/10.17226/26082>.

State (enactment date)	Any Device	Comm. Device	Hands-Free	Voice Operated	Hold the Device	Texting	Video
Kansas (2010)						X	
Alabama (2023)	X		X		X		
Alaska (2016)	X					X	X
Arizona (2019)	X				X	X	X
Arkansas (2019, 2023)		X	X			X	
California (2011, 2018)		X	X	X	X		
Colorado (2017)						X	
Connecticut (2023)	X		X		X		
District of Columbia (2020)	X		X				
Delaware (2018)		X	X		X		
Florida (2022)		X				X	
Georgia (2018)		X			X	X	X
Hawaii (2022)	X				X		
Idaho (2021)	X		X	X			X
Illinois (2023)		X	X	X			X
Indiana (2020)		X	X	X	X		
Iowa (2023)		X	X	X		X	
Kentucky (2011)						X	
Louisiana (2016)		X				X	
Maine (2019)	X		X				
Maryland (2014)		X				X	
Massachusetts (2019)	X		X		X		
Michigan (2023)	X		X	X	X		
Minnesota (2023)		X	X	X	X		X
Mississippi (2018)		X	X	X		X	
Missouri (2023)		X	X	X	X	X	X
Montana (no comparable laws)							
Nebraska (2014)		X	X		X	X	
Nevada (2023)		X	X			X	
New Hampshire (2016)	X				X		
New Jersey (2014)		X	X				
New Mexico (2014)		X	X	X	X	X	
New York (2014)	X		X		X		
North Carolina (2012)		X		X		X	
North Dakota (2017)		X		X		X	

State (enactment date)	Any Device	Comm. Device	Hands-Free	Voice Operated	Hold the Device	Texting	Video
Ohio (2023)		X			X		
Oklahoma (2022)		X				X	
Oregon (2018)	X		X		X		
Pennsylvania (2011)		X				X	
Rhode Island (2019, 2022)		X	X			X	
South Carolina (2014)		X	X			X	
South Dakota (2020)	X		X	X			
Tennessee (2019)		X			X	X	X
Texas (2017)		X	X			X	
Utah (2022, 2023)		X	X	X		X	X
Vermont (2020, 2023)	X		X			X	X
Virginia (2023)		X			X		
Washington (2017)	X				X		X
West Virginia (2023)	X	X			X	X	X
Wisconsin (2021)		X	X	X		X	X
Wyoming (2010)		X	X	X		X	

Exemptions Present in Kansas Law

KSA 8-15,111(c) and (d) contain exemptions to the Kansas ban on texting while driving. These Kansas exemptions, noted in **boldface** below, are present in laws of most or some other states.

Use by law enforcement or emergency service personnel. This exemption was present in the distracted driving laws of all states⁴ with a few exceptions: Colorado, Indiana, Maine, Maryland, Mississippi, New Hampshire, North Dakota, Oklahoma, Pennsylvania, South Carolina, Utah, and Vermont. It is strongly suspected such exemptions are present in laws not specific to distracted driving.

Use in a vehicle stopped off the regular traveled portion of the roadway. This exemption also is present in most states' laws, although "stopped" is defined in several ways. For example:

- Alabama law states the vehicle must be parked on the shoulder of the highway;
- Arkansas, Oregon, Vermont, and Washington laws state the vehicle must be stopped in a location where it can safely remain stationary;
- Colorado, Georgia, Missouri, North Carolina, Virginia, West Virginia, and Wyoming laws use the term "lawfully parked";

4 The reader is reminded only Montana has no state laws regarding device use by drivers.

- Connecticut, Hawaii, Maine, and Michigan laws prohibit device use when the vehicle is temporarily stopped due to traffic or traffic signals, but Illinois law allows device use when the vehicle is stopped due to traffic being obstructed;
- Delaware and Maryland laws prohibit use when the vehicle is in motion;
- Hawaii law requires the engine to be turned off; and
- Delaware, Nebraska, New York, and Rhode Island laws prohibit use while the vehicle is in motion, and Kentucky law adds the caveat that the motion is on the traveled portion of the highway.

The National Academies report recommends permitting device use only when the vehicle is legally parked or pulled over on the side of the road.

Use while reading, electing, or entering a number or name to make or receive a phone call. Laws of only Iowa, Kentucky, Louisiana, North Dakota, Pennsylvania, South Dakota, and Wyoming include this exemption.

When receiving an emergency, traffic, or weather alert message. Several states include variations of this exemption: Arizona and Wisconsin (traffic, road, and weather information); Florida, Iowa, and Wisconsin (safety-related information such as emergency, traffic, or weather alerts, and data used primarily by the vehicle); Georgia, Idaho, Tennessee, and West Virginia (subscription-based emergency communications); Rhode Island (emergency notification); South Carolina (navigation-related traffic and road condition information); Tennessee (in-vehicle security, navigation, autonomous technology, or remote diagnostics system); Texas (enter information for traffic and road conditions or read a message the person reasonably believed concerned an emergency); and West Virginia (security or remote diagnostics).

Receiving a message related to operation or navigation of the vehicle. Most states exempt receiving navigation messages, and a few states exempt additional messages:

- Information related to navigation: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma (if voice-operated), Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, and Wisconsin;
- Other types of information: Alaska (vehicle information related to speed, fuel level, battery charge, or other safety or equipment operation), Florida (data used primarily by the motor vehicle), Georgia (remote diagnostics), Hawaii (equipment to provide emergency assistance to the operator), Illinois and Kentucky (a device physically or electronically integrated into the vehicle), and Utah (a system physically or electronically integrated into the vehicle).

Reporting current or illegal activity or preventing imminent injury to a person or property. Most states have similar exemptions, but some are more restrictive:

- Reporting illegal activity or summoning help, generally: Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Mexico, South Dakota, Texas, Utah, West Virginia, and Wyoming;
- Specifying which types of emergency responders may be contacted: Alabama, Connecticut, District of Columbia, Florida, Maryland, New Hampshire, New York, Oklahoma, and Rhode Island;
- In an emergency situation only: Illinois, Missouri, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Vermont, Virginia, Washington, and Wisconsin; and
- 911 only: Hawaii, Indiana, and Maryland (texting).

Relaying information between a transit or for-hire operator and the operator's dispatcher. Some states exclude equipment commonly used by commercial drivers without being as specific as Kansas law; see exemptions below for operators of two-way or citizens-band (CB) radios. These states include similar exemptions specifying commercial drivers and dispatch: Alaska, Arizona, Delaware, Hawaii, Illinois, Indiana, Iowa, Louisiana, Missouri, North Carolina, North Dakota, Ohio, Oregon, South Carolina, Texas, and West Virginia.

Exceptions Not Present in Kansas Law

Many states include exemptions from laws prohibiting electronic device use that are not present in Kansas law:

- Licensed users of amateur radio: Arizona, Arkansas, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Louisiana, Michigan, Minnesota, New Jersey, New York, New Mexico, Ohio, Oregon, Tennessee, Texas, Utah, Washington, West Virginia, and Wisconsin. The vast majority of these states require the user to be licensed by the Federal Communications Commission (FCC);
- Operators of two-way or CB radios: Arkansas, Delaware (government employee), Georgia, Hawaii, Idaho, Illinois, Louisiana, Maine, Michigan, Minnesota, New Jersey, North Dakota, Oregon (while transporting forest products or facilitating safe movement of another vehicle), Tennessee, Utah, Virginia, and Washington;
- Employees of utilities and certain other entities: Alabama, Georgia, Idaho, Michigan, Nevada, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, and West Virginia;
- Employees of certain other entities: Arizona (probation), Connecticut (military, in military vehicle), Idaho (certain farming or ranching operations), Illinois (highway worker), Missouri (roadside assistance or transportation network companies), Oregon (roadside assistance and pilot or accompanying vehicles), Rhode Island (driver of a taxi, tow truck, or bus without passengers), Tennessee (emergency

management agency officers), Virginia (roadside assistance), and Washington (transit system);

- Operators of radios licensed by the FCC, two-way radios, CB radios, or combinations of those: Arizona, Arkansas, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Louisiana, Maine, Michigan, Minnesota, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oregon, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin; and
- Certain prescribed medical devices: Georgia, Idaho, Maine, Michigan, Oregon, Tennessee, West Virginia.

Other actions or devices states have exempted include devices used to continuously record or broadcast video (Alabama, Georgia, Michigan, Missouri, Tennessee, and West Virginia); an ignition interlock device (Alabama, New Hampshire, Oklahoma, and Vermont); health care providers (Arkansas, Illinois, Iowa, and Louisiana); operators of autonomous vehicles in autonomous mode (Florida, Michigan, and Nevada); operating a radio or music player (Florida, Missouri, and North Dakota); displays that enhance the operator's view (Alaska); a person driving an unregistered farm vehicle (Delaware); and devices to monitor vehicle occupants behind the driver (Wisconsin).

Fines and Other Penalties

Kansas, with a fine of \$60 for a violation of KSA 8-15,111, is among the minority of states that list a single fine amount or fine range; most states increase fines for subsequent violations, which is recommended in the National Academies report. Fines in states with a single fine amount range from no more than \$25 to \$500, with Kansas' fine tied with Florida's as 4th lowest. Of the 34 states with increasing fines for subsequent violations, about half had minimum fines at or below the Kansas amount, but maximum fines for subsequent violations ranged from \$500 to up to \$2,500. A few states provide for driver's license suspension, jail time, restitution, and requiring the driver to take a safety course as possible penalties in addition to fines, under certain circumstances.

Of the 33 states with increasing fines for subsequent violations, 20 did not specify a lookback period for determining whether a penalty should increase for a subsequent violation. Of those that did, lookback periods ranged from one year to ten years.

Twelve states classify violation of laws pertaining to use of electronic devices while driving as misdemeanors. In addition, Colorado classifies a violation as a misdemeanor if the violation leads to bodily injury, Missouri if the violation results in injury or more than \$5,000 in property damage, and Illinois if the violation results in great bodily harm. Oregon classifies any subsequent violation within ten years as a misdemeanor. Alaska terms any violation that results in injury or death as a felony, and Illinois and Missouri classify any violation that results in death as a felony.

A table of fines and penalties by state is provided in **Appendix D**.

Device Use by Drivers of Commercial Vehicles

Drivers of commercial vehicles in interstate commerce are prohibited from texting or using hand-held mobile telephones except to contact law enforcement or other emergency services, under regulations of the [Federal Motor Carrier Safety Administration](#) (FMCSA) in 49 CFR 392.80 and 392.82 (added in 2011). These restrictions are applied to Kansas intrastate commercial drivers through KAR 82-4-3h. Some states provide specific restrictions for commercial drivers in their statutes, but those were not analyzed for this memorandum.

According to the [FMCSA](#),

Penalties for texting or using a hand-held mobile phone can reach \$2,750, as adjusted for inflation, for drivers and \$11,000, as adjusted for inflation, for employers who allow or require drivers to text or use a hand-held mobile phone while driving. Second and third offenses result in driver disqualifications for 60 and 120 days, respectively. States will suspend a driver's Commercial Driver's License (CDL) after two or more serious traffic violations.

APPENDIX A, STATUTES REVIEWED FOR THIS MEMORANDUM

State	Statutory citation	Statute title	Year last amended	Topics covered by the statute					
				General ban on distracted driving	Texting ban	Exceptions, texting	Device use only hands-free	Exceptions, hands-free	Penalties and enforcement
Kansas	KSA 8-15,111	Text messaging, prohibited; exceptions	2010		X	X			
Alabama	Ala.Code 1975 § 32-5A-350.1	Operating a motor vehicle in a distracted manner; violations; exceptions	2023 (new)		X	X	X	X	X
Alaska	AS § 28.35.161	Use of electronic devices while driving; unlawful installation of television, monitor, or similar device	2016			X	x	x	x
Alaska	AS § 12.55.035	Fines	2023						x
Arizona	ARS 28-672	Causing serious physical injury or death by a moving violation; time limitation; penalties; violation; classification; definition	2020		X		X		X
Arizona	ARS 28-963	Image display device; prohibition; exceptions;	2019		X	X	X	X	
Arizona	ARS 28-914	Use of portable wireless communication device while driving; prohibition; civil penalty; state preemption; definitions	2019 (new)			X			X
Arkansas	Arkansas Code § 27-51-104	Careless driving	1995	X					
Arkansas	Arkansas Code § 27-51-1503	Definitions (Paul's Law: To Prohibit Drivers From Using a Wireless Communications Device While Operating a Motor Vehicle)	2023		X	X	X		
Arkansas	Arkansas Code § 27-51-1504	Use of wireless telecommunications device when driving	2019			X			
Arkansas	Arkansas Code § 27-51-1506	Penalties	2023						X
Arkansas	Arkansas Code § 27-51-1602	Definitions (Fewer Distractions Mean Safer Driving Act)	2023			X	X		
Arkansas	Arkansas Code § 27-51-1607	Penalties and public service work	2023						X
California	Vehicle Code § 23123	Driving a motor vehicle while using a wireless telephone; penalty; exceptions	2011				X	X	X

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				General ban on distracted driving	Texting ban	Exceptions, texting	Device use only hands-free	Exceptions, hands-free	Penalties and enforcement
California	Vehicle Code § 23123.5	Driving a motor vehicle while holding and operating a handheld wireless telephone or electronic wireless communications device; prohibition; exceptions; penalty	2018				X	X	X
Colorado	C.R.S.A. § 42-4-239	Misuse of a wireless telephone - definitions - penalty - preemption	2017		X	X			X
Connecticut	CGSA § 14-296aa	Use of hand-held mobile telephones and mobile electronic devices by motor vehicle operators and school bus drivers prohibited or restricted. Exceptions. Penalties. Amounts remitted to municipality. Record of violation	2023	X	X	X	X	X	X
Delaware	21 Del. C. § 4176C	Electronic communication devices; penalties	2018			X	X	X	X
Delaware	21 Del. C. § 4176	Careless or inattentive driving	2017	X					X
Delaware	21 Del. C. § 4176A	Operation of a vehicle causing death; unclassified misdemeanor	2003						X
District of Columbia	DC ST § 50-1731.03	Prohibition on distracted driving	2004	X					
District of Columbia	DC ST § 50-1731.04	Restricted use of mobile telephone and other electronic devices	2020				X	X	
District of Columbia	DC ST § 50-1731.06	Enforcement; fines and penalties	2020						X
District of Columbia	DC ST § 50-1731.07	Police officer's report	2004						X
Florida	FSA § 316.305	Wireless communications devices; prohibition	2022				X	X	X
Florida	FSA § 316.306	School and work zones; prohibition on the use of a wireless communications device in a handheld manner	2023						X
Florida	FSA § 318.18	Amount of penalties	2023						X

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				General ban on distracted driving	Texting ban	Exceptions, texting	Device use only hands-free	Exceptions, hands-free	Penalties and enforcement
Georgia	Ga. Code Ann., § 40-6-241	Driver to exercise due care; proper use of radios and mobile telephones allowed	2018	X	X	X			X
Hawaii	HRS § 291C-137	Mobile electronic devices	2022				X	X	X
Hawaii	HRS § 291-12	Inattention to driving	2016	X					X
Idaho	I.C. § 49-1401A	Distracted driving	2021		X	X	X	X	X
Illinois	625 ILCS 5/12-610.1	Wireless telephones [in school speed zone, on a highway in a construction or maintenance speed zone or within 500 feet of an emergency scene]	2023		X	X	X	X	X
Illinois	625 ILCS 5/12-610.2	Electronic communication devices	2023				X	X	X
Indiana	IC 9-21-8-59	Texting while driving; confiscation	2020				X	X	
Indiana	IC 9-13-2-177.3	Telecommunications device (definition)	2016					X	
Indiana	IC 34-28-5-4	Maximum judgments and amounts for violations	2020						X
Iowa	I.C.A. § 321.276	Use of electronic communication device while driving	2017				X	X	
Iowa	I.C.A. § 805.8A	Motor vehicle and transportation scheduled violations	2023						X
Iowa	I.C.A. § 707.6A	Homicide or serious injury by vehicle	2023						X
Kentucky	KRS § 189.292	Use of personal communication device prohibited while operating motor vehicle in motion on traveled portion of roadway; exclusions; administrative regulations	2011		X	X			
Kentucky	KRS § 189.990	Penalties	2023						X
Louisiana	LSA-R.S. 32:300.5	Use of certain wireless telecommunications devices for text messaging and social networking	2016		X	X			X
Maine	29-A MRSA §2121	Use of mobile telephones and handheld electronic devices while operating motor vehicles prohibited	2019				X	X	X
Maine	29-A MRSA § 101	Definitions	2023					X	
Maine	29-A MRSA § 2118	Failure to maintain control of a motor vehicle	2009	X					

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				General ban on distracted driving	Texting ban	Exceptions, texting	Device use only hands-free	Exceptions, hands-free	Penalties and enforcement
Maryland	MD Code, Transportation, § 21-1124.1	Use of text messaging device while driving prohibited	2014		X	X			
Maryland	MD Code, Transportation, § 21-1124.2	Use of handheld telephone while driving prohibited	2014				X	X	X
Maryland	MD Code, Transportation, § 21-1124.3	Violations causing death or serious bodily injury	2017						X
Massachusetts	M.G.L.A. 90 § 13B	Composing, sending or reading of electronic messages while operating a motor vehicle prohibited; emergencies; penalties	2019				X	X	X
Michigan	M.C.L.A. 257.602b	Use of mobile electronic devices while operating vehicle; prohibitions; exceptions; penalties; ordinances; completion of court-ordered driver improvement course; citations; applicability	2023				X	X	X
Minnesota	M.S.A. § 169.011	Definitions	2023					X	
Minnesota	M.S.A. § 169.475	Use of wireless communications device	2023				X	X	X
Mississippi	Miss. Code Ann. § 63-33-1	Hand-held communication devices; prohibition of use while driving; penalties	2018				X	X	X
Missouri	V.A.M.S. 304.822	Electronic communication device, use of while driving prohibited, when--citation of law--definitions--school bus operations, prohibited acts--inapplicability, when--penalties for violations--search of device, right to decline--preemption; also known as the Siddens Bening Hands Free Law	2023						X
Montana	multiple sources say Montana is the only state that does not ban hand-held device use, cell phone use, or text messaging								
Nebraska	Neb. Rev. St. § 60-6,179.01	Use of handheld wireless communication device; prohibited acts; enforcement; violation; penalty	2014				X	X	X

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Nevada	N.R.S. 484B.165	Using handheld wireless communications device to type or enter text, send or read data, engage in nonvoice communication or engage in voice communications without use of hands-free device prohibited; exceptions; penalty; additional penalty for violation in work zone or pedestrian safety zone	2023				X	X	X
Nevada	N.R.S. 484B.130	Double penalty for certain traffic violations committed in work zones; exception in certain temporary traffic control zones	2021						X
Nevada	N.R.S. 484B.135	Double penalty for certain traffic violations committed in pedestrian safety zones; exception in certain pedestrian safety zones	2021						X
New Hampshire	N.H. Rev. Stat. § 265:79-c	Use of Mobile Electronic Devices While Driving; Prohibition.	2016				X	X	X
New Jersey	N.J.S.A. 39:4-97.3	Use of hands-free and hand-held wireless communication devices while driving; when permitted; penalty	2014				X	X	X
New Jersey	N.J.S.A. 39:4-97.2	Driving or operating a motor vehicle in an unsafe manner; endangering persons or property; fines; surcharges	2019	X					
New Mexico	N. M. S. A. 1978, § 66-7-374	Texting while driving	2014		X	X	X		
New Mexico	N. M. S. A. 1978, § 66-8-116	Penalty assessment misdemeanors; definition; schedule of assessments	2019						X
New York	McKinney's Vehicle and Traffic Law § 1225-c	Use of mobile telephones	2014		X	X			X
New York	McKinney's Vehicle and Traffic Law § 1225-d	Use of portable electronic devices	2014				X	X	X

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North Carolina	N.C.G.S.A. § 20-137.4A	Unlawful use of mobile telephone for text messaging or electronic mail.	2012		X	X	X		X
North Dakota	NDCC, 39-08-23	Use of a wireless communications device prohibited	2017		X	X	X		
North Dakota	NDCC, 39-08-25	Failure to maintain control	2017	X					
North Dakota	NDCC, 39-06.1-06	Amount of statutory fees	2021						X
North Dakota	NDCC, 36-06.1-09	Moving violation defined	2021						X
Ohio	R.C. § 4511.204	Driving while texting (in Westlaw, Operating a motor vehicle while using an electronic wireless communication device)	2023		X	X	X	X	X
Oklahoma	47 Okl.St. Ann. § 11-901b	Full time and attention to driving	2010	X					
Oklahoma	47 Okl.St. Ann. § 11-901d	Text messaging -- Penalties	2022		X	X	X	X	X
Oregon	O.R.S. § 811.507	Driving a motor vehicle while using a mobile electronic device	2018		X	X	X	X	X
Oregon	O.R.S. § 153.018	Fines	2021						X
Oregon	O.R.S. § 153.019	Presumptive fines for violations	2021						X
Oregon	O.R.S. § 153.020	Presumptive fines; violations in highway work zones, school zones, or safety corridors	2019						X
Oregon	O.R.S. § 161.635	Misdemeanors; fines	2003						X
Pennsylvania	75 Pa.C.S.A. § 3316	Prohibiting text-based communications	2011		X	X			X
Rhode Island	Gen.Laws 1956, § 31-22-30	Text messaging while operating a motor vehicle	2019		X	X	X	X	X
Rhode Island	Gen.Laws 1956, § 31-22-31	Mobile telephone usage by motor vehicle operators	2022		X	X	X		X

APPENDIX A, STATUTES REVIEWED FOR THIS MEMORANDUM

State	Statutory citation	Statute title	Year last amended	Topics covered by the statute					
				General ban on distracted driving	Texting ban	Exceptions, texting	Device use only hands-free	Exceptions, hands-free	Penalties and enforcement
South Carolina	Code 1976 § 56-5-3890	Unlawful use of a wireless electronic communication device while operating a motor vehicle; penalties; limitation on law enforcement officers; department to maintain statistical information; preemption of local ordinances.	2014		X	X	X		X
South Dakota	SDCL § 32-26-47.1	Use of mobile electronic device--Prohibitions--Violation as misdemeanor--Exceptions	2020		X	X	X		
South Dakota	SDCL § 22-6-2	Misdemeanor classes and penalties--Restitution--Misdemeanor when not penalty imposed	2005						X
Tennessee	TN ST § 55-8-199	Unlawful use of wireless telecommunication device	2019		X	X	X	X	X
Texas	Transportation Code § 545.4251	Use of portable wireless communication device for electronic messaging; offense	2017		X	X	X	X	X
Utah	U.C.A. 1953 § 41-6a-1716	Prohibition on using a wireless communication device while operating a motor vehicle--Exceptions--Penalties	2022		X	X	X	X	X
Utah	U.C.A. 1953 § 76-5-207.5	Automobile homicide involving a handheld wireless communication device while driving	2023						X
Utah	U.C.A. 1953 § 76-3-204	Misdemeanor conviction--Term of imprisonment	2019						X
Utah	U.C.A. 1953 § 76-3-301	Fines of individuals	2023						X
Vermont	23 V.S.A. § 1095b	Handheld use of portable device prohibited	2023				X	X	X
Vermont	23 V.S.A. § 1099	Texting prohibited	2020		X	X			X
Vermont	23 V.S.A. § 1095	Entertainment picture visible to the operator	2011						
Virginia	VA Code Ann. § 46.2-818.2	Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty	2023				X	X	X
Washington	RCWA 46.61.672	Using a personal electronic device while driving	2017		X	X	X	X	
Washington	RCWA 46.61.673	Dangerously distracted driving	2017	X					X

APPENDIX A, STATUTES REVIEWED FOR THIS MEMORANDUM

State	Statutory citation	Statute title	Year last amended	Topics covered by the statute					
				General ban on distracted driving	Texting ban	Exceptions, texting	Device use only hands-free	Exceptions, hands-free	Penalties and enforcement
Washington	RCWA 46.63.020	Violations as traffic infractions--Exceptions	2023						X
Washington	RCWA 46.63.110	Monetary penalties	2018						X
West Virginia	W. Va. Code, § 17C-14-15	Electronically Distracted Driving Act	2023		X	X	X	X	X
West Virginia	W. Va. Code, § 17C-5-1	Negligent Homicide; penalties	1979						X
Wisconsin	W.S.A. 346.89	Inattentive driving	2021	X	X	X	X	X	X
Wisconsin	W.S.A. 346.95	Penalty for violating sections 346.87 to 346.94	2017						X
Wyoming	W.S.1977 § 31-5-237	Use of handheld electronic wireless communication devices for electronic messaging prohibited; exceptions; penalties	2010		X	X	X		X
<i>numbers of statutes (not states)</i>				12	33	37	49	42	79

APPENDIX B, STATUTES BANNING DISTRACTED DRIVING MORE GENERALLY

State	Statutory citation	Statute title	Statute text
Arkansas	A.C.A. § 27-51-104	Careless driving	<p>(a) It shall be unlawful for any person to drive or operate any vehicle in such a careless manner as to evidence a failure to keep a proper lookout for other traffic, vehicular or otherwise, or in such a manner as to evidence a failure to maintain proper control on the public thoroughfares or private property in the State of Arkansas.</p> <p>(b) It shall be unlawful for any person to operate or drive any vehicle on the public thoroughfares or private property in the State of Arkansas in violation of the following prohibited acts:</p> <p>(1) Improper or unsafe lane changes on public roadways;</p> <p>(2) Driving onto or across private property to avoid intersections, stop signs, traffic control devices, or traffic lights;</p> <p>(3) Driving in such a manner or at such a speed so as to cause a skidding, spinning, or sliding of tires or a sliding of the vehicle;</p> <p>(4) Driving too close to or colliding with parked or stopped vehicles, fixtures, persons, or objects adjacent to the public thoroughfares;</p> <p>(5) Driving a vehicle which has any part thereof or any object extended in such fashion as to endanger persons or property;</p> <p>(6) To operate any vehicle in such a manner which would cause a failure to maintain control;</p> <p>(7) To operate or drive a vehicle wherein or whereon passengers are located in such a manner as to be dangerous to the welfare of such passengers; or</p> <p>(8) To operate a vehicle in any manner when the driver is inattentive and such inattention is not reasonable and prudent in maintaining vehicular control.</p> <p>(c) A person who violates this section shall be subject to a fine not to exceed one hundred dollars (\$100).</p>
Connecticut	CGSA § 14-296aa	Use of hand-held mobile telephones and mobile electronic devices by motor vehicle operators . . .	(f) Except as provided in subsections (b) to (e), inclusive, of this section [use of communication devices], no person shall engage in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such vehicle on any highway, as defined in section 14-1.
Delaware	21 Del.C. § 4176	Careless or inattentive driving	<p>(a) Whoever operates a vehicle in a careless or imprudent manner, or without due regard for road, weather and traffic conditions then existing, shall be guilty of careless driving.</p> <p>(b) Whoever operates a vehicle and who fails to give full time and attention to the operation of the vehicle, or whoever fails to maintain a proper lookout while operating the vehicle, shall be guilty of inattentive driving.</p> <p>(c) Whoever violates this section shall for the first offense be fined not less than \$25 nor more than \$75. For each subsequent like offense occurring within 3 years of a former offense, the person shall be fined not less than \$50 nor more than \$95.</p>
Georgia	Ga. Code Ann., § 40-6-241	Driver to exercise due care; proper use of radios and mobile telephones allowed	(b) A driver shall exercise due care in operating a motor vehicle on the highways of this state and shall not engage in any actions which shall distract such driver from the safe operation of such vehicle.
Hawaii	HRS § 291-12	Inattention to driving	Whoever operates any vehicle negligently as to cause a collision with, or injury or damage to, as the case may be, any person, vehicle or other property shall be fined not more than \$500 or imprisoned not more than thirty days, or both, and may be subject to a surcharge of up to \$100, which shall be deposited into the trauma system special fund.

APPENDIX B, STATUTES BANNING DISTRACTED DRIVING MORE GENERALLY

Maine	29-A MRSA § 2118	Failure to maintain control of a motor vehicle	<p>1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.</p> <p>A. "Operation of a motor vehicle while distracted" means the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity:</p> <p>(1) That is not necessary to the operation of the vehicle; and</p> <p>(2) That actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle.</p> <p>2. Failure to maintain control of a motor vehicle. A person commits the traffic infraction of failure to maintain control of a motor vehicle if the person:</p> <p>A. Commits either a traffic infraction under this Title or commits the crime of driving to endanger under section 2413 and, at the time the traffic infraction or crime occurred, the person was engaged in the operation of a motor vehicle while distracted; or</p> <p>B. Is determined to have been the operator of a motor vehicle that was involved in a reportable accident as defined in section 2251, subsection 1 that resulted in property damage and, at the time the reportable accident occurred, the person was engaged in the operation of a motor vehicle while distracted.</p> <p>A person may be issued a citation or summons for any other traffic infraction or crime that was committed by the person in relation to the person's commission of the traffic infraction of failure to maintain control of a motor vehicle.</p>
North Dakota	NDCC, 39- 08-25	Failure to maintain control	<p>1. An operator of a motor vehicle may not fail to maintain control of that motor vehicle. An individual is in violation of this section if that individual:</p> <p>a. Commits an offense under this title and, at the time of the offense, the individual was engaged in the operation of a motor vehicle while distracted; or</p> <p>b. Is determined to have been the operator of a motor vehicle that was involved in a reportable accident as defined in section 39-08-09 which resulted in property damage and, at the time the reportable accident occurred, the individual was engaged in the operation of a motor vehicle while distracted.</p> <p>2. An individual may be issued a citation or summons for any other traffic offense that was committed by the individual in relation to the individual's commission of the traffic offense of failure to maintain control of a motor vehicle.</p> <p>3. As used in this section, "operation of a motor vehicle while distracted" means the operation of a motor vehicle by an individual who, while operating the vehicle, is engaged in an activity that:</p> <p>a. Is not necessary to the operation of the vehicle; and</p> <p>b. Actually impairs, or would reasonably be expected to impair, the ability of the individual to safely operate the vehicle.</p>
Oklahoma	Title 47 §47-11- 901b	Full time and attention to driving	<p>The operator of every vehicle, while driving, shall devote their full time and attention to such driving.</p> <p>No law enforcement officer shall issue a citation under this section unless the law enforcement officer observes that the operator of the vehicle is involved in an accident or observes the operator of the vehicle driving in such a manner that poses an articulable danger to other persons on the roadway that is not otherwise specified in statute.</p>
Washington	RCW 46.61.673	Dangerously distracted driving	<p>(1)(a) It is a traffic infraction to drive dangerously distracted. Any driver who commits this infraction must be assessed a base penalty of thirty dollars.</p> <p>(b) Enforcement of the infraction of driving dangerously distracted may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of a separate traffic infraction or an equivalent local ordinance.</p> <p>(c) For the purposes of this section, "dangerously distracted" means a person who engages in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such motor vehicle on any highway.</p> <p>(2) The additional monetary penalty imposed under this section must be deposited into the distracted driving prevention account created in subsection (3) of this section.</p> <p>(3) The distracted driving prevention account is created in the state treasury. All receipts from the base penalty in subsection (1) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to support programs dedicated to reducing distracted driving and improving driver education on distracted driving.</p>
Wisconsin	W.S.A. 346.89	Inattentive driving	<p>(1) No person while driving a motor vehicle may be engaged or occupied with an activity, other than driving the vehicle, that interferes or reasonably appears to interfere with the person's ability to drive the vehicle safely.</p>

APPENDIX C, STATUTE SYNOPSES, DATES, AND KEY WORDS

State (date of enactment or most recent amendment)	Key words in the statutes	Any device	Communica- tions device	Hands-free	Voice-operated	Hold the device	Texting	Video
Kansas (2010)	no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication						X	
Alabama (2023)	an individual shall not engage in any actions prohibited by law which distract the individual from safe operation of the vehicle; operating a vehicle in a distracted manner includes while physically holding or supporting a wireless telecommunications or stand-alone electronic device; the prohibition does not apply if use device to conduct substantially hands-free voice-based wireless communications	X		X		X		
Alaska (2016)	a person commits the crime of driving while texting, while communicating on a computer, or while a screen device is operating if the person has a visual display operating in full view of the driver or the person is reading or typing a nonvoice message	X					X	X
Arizona (2019)	a person may not operate a motor vehicle on a street or highway if the person physically holds a device or writes, sends or reads any text-based communication; a person shall not view a broadcast television image or a visual image from an image display device while driving a motor vehicle	X				X	X	X
Arkansas (2019, 2023)	a driver of a motor vehicle shall not operate a motor vehicle while using a wireless telecommunications device to engage in texting or access, read, or post to a social networking site; definition of "wireless telecommunications device" excludes hands-free device		X	X			X	
California (2011, 2018)	a person shall not drive a motor vehicle while holding and operating a wireless telephone, a handheld wireless telephone, or an electronic wireless communications device unless the device is specifically designed and configured to allow voice-operated and hands-free operation, and it is used in that manner		X	X	X	X		
Colorado (2017)	a person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle						X	
Connecticut (2023)	no person shall operate a motor vehicle upon a highway while using a hand-held mobile telephone to engage in a call or while using a mobile electronic device; holding a telephone to or in immediate proximity of the ear is presumed to be engaging in a call; no person shall engage in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the same operation of such vehicle except as provided	X		X		X		
Delaware (2018)	no person shall drive a motor vehicle on any highway while using an electronic communication device while the vehicle is in motion; the prohibition does not apply when using a device hands-free if the device is not held in a hand	X		X				
District of Columbia (2020)	a person shall not use a mobile telephone or other electronic device while operating a moving motor vehicle unless the telephone or device is equipped with a hands-free accessory		X	X		X		
Florida (2022)	a person may not operate a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device (a handheld device used or capable of being used in a handheld manner) or while sending or reading data on such a device for the purpose of nonvoice interpersonal communication		X				X	
Georgia (2018)	a driver shall not engage in any actions that distract the driver from safe operation of the vehicle; hold or support a wireless telecommunications device; write, send, or read a text-based communication; watch video		X			X	X	X
Hawaii (2022)	no person shall operate a motor vehicle while using a mobile electronic device; "using" means holding a mobile electronic device	X				X		
Idaho (2021)	a person shall not operate a motor vehicle while using a mobile electronic device or watching motion on a screen; the prohibition does not apply to the use of a mobile electronic device in a voice-operated or hands-free mode	X		X	X			X
Illinois (2023)	a person shall not operate a motor vehicle while using an electronic communication device, including using any device to watch or stream video or participate in any video conferencing; the prohibition does not apply if using the device in hands-free or voice-operated mode		X	X	X			X
Indiana (2020)	a person may not use or hold a telecommunications device while operating a motor vehicle except hands free or voice operated		X	X	X	X		
Iowa (2023)	a person shall not use a hand-held electronic communication device to write, send, or view an electronic message while driving a motor vehicle; may use a device that is voice-operated or hands-free		X	X	X		X	
Kentucky (2011)	no person shall, while operating a motor vehicle that is in motion on the traveled portion of a roadway, write, send, or read text-based communication						X	
Louisiana (2016)	no person shall operate any motor vehicle upon any public road while using a wireless telecommunications device to write, read, or send a text-based message or access, read, or post to a social networking site		X				X	
Maine (2019)	a person may not operate a motor vehicle on a public way while using . . . or otherwise interacting with a handheld electronic device; a person may use a device in hands-free mode	X		X				
Maryland (2014)	an individual may not use a text messaging device to write, send, or read a text message or an electronic message while operating a motor vehicle; the driver of a motor vehicle may not use the driver's hands to use a handheld telephone		X				X	
Massachusetts (2019)	a vehicle operator shall not use a mobile electronic device unless the device is being used in hands-free mode; no operator of a motor vehicle operator shall hold a mobile electronic device or view an image on a mobile electronic device	X		X		X		
Michigan (2023)	an individual shall not hold or use a mobile electronic device while operating a motor vehicle; the prohibition does not apply to the use of a mobile electronic device in a voice-operated or hands-free mode if the operator of the motor vehicle does not use the operator's hands to operate the device	X		X	X	X		
Minnesota (2023)	the person operating the vehicle upon a street or highway is prohibited from holding a wireless communications device with one or both hands or using a wireless communications device for an electronic message, phone call, or accessing video or images; the prohibition does not apply if a person uses a wireless communications device solely in a voice-activated or hands-free mode		X	X	X	X		X

APPENDIX C, STATUTE SYNOPSES, DATES, AND KEY WORDS

State (date of enactment or most recent amendment)	Key words in the statutes	Any device	Communica- tions device	Hands-free	Voice-operated	Hold the device	Texting	Video
Mississippi (2018)	an operator of a moving motor vehicle is prohibited from writing, sending, or reading a text message and from accessing, reading, or posting to a social networking site using a hand-held mobile telephone, which does not include a voice-operated or hands-free device; "hand-held mobile telephone" means a mobile telephone or other portable electronic communication device with which a user engages in a call or writes, sends or reads a text message using at least one hand		X	X	X		X	
Missouri (2023)	no vehicle operator shall physically hold or support an electronic communication device; write, send, or read any text-based communication; make any communication, including a phone call, voice message; engage in any form of electronic data retrieval or communication; manually enter letters, numbers, or symbols; watch a video; or record, post, send, or broadcast video; the prohibition does not apply to use of a voice-operated or hands-free feature or function		X	X	X	X	X	X
Montana	no similar prohibitions in state law							
Nebraska (2014)	no person shall use a handheld wireless communication device to read a written communication, manually type a written communication, or send a written communication while operating a motor vehicle which is in motion; the prohibition does not include use of a handsfree device		X	X		X	X	
Nevada (2023)	a vehicle operator shall not manually enter text into a handheld wireless communications device, or send or read data using such device; a vehicle operator shall not use a handheld wireless communications device to engage in voice communications unless the device allows use without using hands other than to activate, deactivate, or initiate a device feature or function		X	X			X	
New Hampshire (2016)	no person, while driving a moving motor vehicle upon a way, shall use any hand-held mobile electronic device capable of providing voice or data communication; holding a device in proximity to the ear is presumed to be engaging in a call	X				X		
New Jersey (2014)	use of a wireless telephone or electronic communication device by an operator of a moving motor vehicle on a public road or highway shall be unlawful except when the telephone is a hands-free wireless telephone or the electronic communication device is used hands-free		X	X				
New Mexico (2014)	a person shall not read or view a text message or manually type on a handheld mobile communication device for any purpose while driving a motor vehicle; the prohibition does not include a voice-operated or hands-free device		X	X	X	X	X	
New York (2014)	no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call or any portable electronic device while such vehicle is in motion; "engaged in a call" is assumed if the device is near the ear; "using the device" is assumed if the operator is holding the device; the prohibition does not apply to the use of a hands-free mobile telephone	X		X		X		
North Carolina (2012)	it is unlawful for any person to operate a vehicle on a public street or highway while using a mobile telephone to manually enter multiple letters or text in the device as a means of communicating with another person; or read any electronic mail or text message transmitted to the device or stored within the device; does not apply to voice-operated technology		X		X		X	
North Dakota (2017)	the operator of a motor vehicle that is part of traffic may not use a wireless communications device to compose, read, or send an electronic message; does not include voice commands to initiate or receive a call		X		X		X	
Ohio (2023)	no person shall operate a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device		X			X		
Oklahoma (2022)	it is unlawful for any person to operate a motor vehicle on any street or highway while using a hand-held electronic communication device to manually compose, send or read an electronic text message		X				X	
Oregon (2018)	a person commits the offense of driving a motor vehicle while using a mobile electronic device if the person, while driving a motor vehicle on a highway or premises open to the public, holds a mobile electronic device in the person's hand; or uses a mobile electronic device for any purpose; using a hands-free accessory is an affirmative defense	X		X		X		
Pennsylvania (2011)	no driver shall operate a motor vehicle on a highway or trafficway while using an interactive wireless communications device to send, read or write a text-based communication		X				X	
Rhode Island (2019, 2022)	no person shall use a wireless handset, personal wireless communication, or hand-held personal wireless communication device to compose, read, or send text messages or engage in a call while driving a motor vehicle on any public street or public highway; "use" means to operate a wireless handset or a personal wireless communication device in a manner not consistent with hands-free operation		X	X			X	
South Carolina (2014)	it is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways; the prohibition does not apply to a person who is using a hands-free electronic communication device		X	X			X	
South Dakota (2020)	no person may operate a motor vehicle while using a mobile electronic device; the prohibition does not apply to the use of a device in voice-operated or hands-free mode	X		X	X			
Tennessee (2019)	a person, while operating a motor vehicle on any road or highway, shall not physically hold or support, with any part of the person's body, a wireless communications device; write, send, or read any text-based communication; reach for the device; watch a video; or record or broadcast video		X			X	X	X
Texas (2017)	an operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped; it is an affirmative defense if used in conjunction with a hands-free device		X	X			X	
Utah (2022, 2023)	an individual may not use a wireless communication device while operating a moving motor vehicle to write or send a written communication, read a written communication, or view a video or photograph; an operator may use hands-free or voice-operated technology		X	X	X		X	X

APPENDIX C, STATUTE SYNOPSES, DATES, AND KEY WORDS

State (date of enactment or most recent amendment)	Key words in the statutes	Any device	Communica- tions device	Hands-free	Voice-operated	Hold the device	Texting	Video
Vermont (2020, 2023)	an individual shall not use a portable electronic device or engage in texting while operating a moving motor vehicle in a place open to general circulation of vehicles or on a public highway, including while the vehicle is stationary; does not apply to hands-free use; a person shall not operate a moving motor vehicle carrying or having installed a screen or other device transmitting a moving entertainment picture that is visible to the operator	X		X			X	X
Virginia (2023)	it is unlawful for any person, while driving a moving motor vehicle, to hold a handheld personal communications device		X			X		
Washington (2017)	a person who uses a personal electronic device while driving a motor vehicle on a public highway is guilty of a traffic infraction; "use" includes holding a device in one or both hands and watching video	X				X		X
West Virginia (2023)	a driver shall not engage in any actions involving any stand-alone electronic device or wireless telecommunications device that distracts such driver from the safe operation of the vehicle; write, send, or read any text-based communication; hold or support a wireless communications device with his or her body; write, send, or read any text-based communication; make any communication involving a wireless telecommunications device; engage in any form of electronic data retrieval or electronic data communication; manually enter letters, numbers, or symbols into any website, search engine, or application; watch a video; record, post, send, or broadcast video; or actively play any game	X	X			X	X	X
Wisconsin (2021)	no person while driving a motor vehicle may be engaged or occupied with an activity, other than driving the vehicle, that interferes or reasonably appears to interfere with the person's ability to drive the vehicle safely; no person may drive any motor vehicle while composing or sending an electronic text message or an electronic mail message; may not operate or be in a position to directly observe any electronic device that is providing entertainment primarily by visual means; the prohibition does not apply to a voice-operated or hands-free device		X	X	X		X	X
Wyoming (2010)	no person shall 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; the prohibition does not apply if using hands-free or voice-operated technology		X	X	X		X	

APPENDIX D, FINES AND OTHER PENALTIES FOR DISTRACTED DRIVING

	Classification of violation	Fine, if does not increase	Fine, first offense	Fine, second offense	Fine, third offense	Fine, subsequent offense	Penalty, other	Lookback period	Additional information
Kansas	traffic infraction	\$60							
Alabama	misdemeanor		≤ \$50	≤ \$100	≤ \$150			24 months	
Alaska	felony if causes physical injury or death	\$500							
Arizona	civil penalty		\$75-\$149	\$150-\$250	\$150-\$250	\$150-\$250	license suspension and possible restitution if results in injury or death	[not specified]	
Arkansas	misdemeanor if crash results in serious physical injury or death		\$25-\$250	\$50-\$500	\$50-\$500	\$50-\$500	additional fine of double the standard fine if a crash; court may also order ≤ 100 hours of public service work	[not specified]	
California	infraction		\$20	\$50	\$50	\$50		[not specified]	
Colorado	infraction, misdemeanor traffic offense 1 if injury		\$50	\$100	\$100	\$100	if injury: minimum 10 days imprisonment, \$300 fine, or both; maximum 1 year imprisonment, \$1,000 fine, or both; required restitution; sentence may include public service	[not specified]	
Connecticut	[not specified]		\$200	\$375	\$625	\$625		[not specified]	
Delaware (device use)	[not specified, civil penalty]		\$100	\$200-\$300	\$200-\$300	\$200-\$300		2 years	
Delaware (inattentive driving)	[not specified]		\$25-\$75	\$50-\$95	\$50-\$95	\$50-\$95		3 years	
Delaware (causing death)	unclassified misdemeanor		≤ \$1,150	≤ \$2,300	≤ \$2,300	≤ \$2,300	imprisonment for ≤ 30 months for first, ≤ 60 months for subsequent	[not specified]	
District of Columbia	[not specified]	\$100							fine suspended if first-time violator provides proof of acquisition of hands-free accessory

APPENDIX D, FINES AND OTHER PENALTIES FOR DISTRACTED DRIVING

	Classification of violation	Fine, if does not increase	Fine, first offense	Fine, second offense	Fine, third offense	Fine, subsequent offense	Penalty, other	Lookback period	Additional information
Florida	infraction, moving violation	\$60					\$35 court costs		may participate in approved driving safety program in lieu of fine and court costs if first offense
Georgia	misdemeanor		≤ \$50	≤ \$100	≤ \$150			24 months	fine suspended if first-time violator provides proof of acquisition of device that complies
Hawaii (mobile electronic devices)	traffic infraction	\$300					\$400 if in school zone or construction area	[not specified]	
Hawaii (inattentive driving that causes injury or damage)	[not specified]	≤ \$500					possible \$100 surcharge	[not specified]	
Idaho	infraction, moving violation		\$75	\$150	\$300	\$300	may suspend license for ≤90 days if ≥ 3 violations within 3 years	3 years	
Illinois	offense against traffic regulations governing the movement of vehicles; misdemeanor if violation results in great bodily harm; felony if violation results in death		≤ \$75	≤ \$100	≤ \$125	≤ \$150	≥ \$1,000 if disability or death	[not specified]	
Indiana	class C moving violation		\$35.50	\$250.50	\$500			[not specified]	fine depends on the number of moving violations and is not specific to distracted driving
Iowa	simple misdemeanor; felony if cause death	\$45							
Kentucky	[not specified]		\$25	\$50	\$50	\$50		[not specified]	
Louisiana	moving violation		≤ \$500	≤ \$1,000	≤ \$1,000	≤ \$1,000	fine doubled if a crash	[not specified]	
Maine	traffic infraction		\$50	\$250	\$250	\$250		[not specified]	

APPENDIX D, FINES AND OTHER PENALTIES FOR DISTRACTED DRIVING

	Classification of violation	Fine, if does not increase	Fine, first offense	Fine, second offense	Fine, third offense	Fine, subsequent offense	Penalty, other	Lookback period	Additional information
Maryland	[not specified]	≤ \$5,000 if violator causes death or serious bodily injury	≤ \$75	≤ \$125	≤ \$175	≤ \$175	≤ 1 year in jail if violator causes death or serious bodily injury	[not specified]	first-time penalty waived if violator acquires hands-free accessory or device
Massachusetts	[not specified]		\$100	\$250	\$500	\$500	third or subsequent: complete program on distracted driving	[not specified]	
Michigan	civil infraction		\$100	\$250	\$250	\$250	community service: 16 hours for first, 24 hours for subsequent; driver improvement course if 3 or more within 3 years	[not specified]	fines doubled if violator is at fault in a crash
Minnesota	[not specified]	\$275							
Mississippi	civil violation	\$100							
Missouri	infraction; misdemeanor if serious physical injury or property damage >\$5,000; felony if cause death of another person		≤ \$150	≤ \$250	≤ \$500	≤ \$500	≤ \$500 if in work or school zone	24 months	misdemeanor if violation causes serious physical injury (class B) or property damage > \$5,000 (class D); class D felony if violation causes death of another person
Nebraska	traffic infraction		\$200	\$300	\$500	\$500		[not specified]	
Nevada	civil infraction		\$50	\$100	\$250	\$250	double penalty if in work zone or pedestrian safety zone	7 years	
New Hampshire	violation		\$100	\$250	\$500	\$500		24 months	
New Jersey (mobile devices)	[not specified]		\$200-\$400	\$400-\$600	\$600-\$800	\$600-\$800		10 years	
New Jersey (operating in unsafe manner)			\$50-\$150	\$100-\$250	\$200-\$500	\$200-\$500		5 years	
New Mexico	penalty assessment misdemeanor		\$25	\$50	\$50	\$50		[not specified]	

APPENDIX D, FINES AND OTHER PENALTIES FOR DISTRACTED DRIVING

	Classification of violation	Fine, if does not increase	Fine, first offense	Fine, second offense	Fine, third offense	Fine, subsequent offense	Penalty, other	Lookback period	Additional information
New York	traffic infraction		\$50-\$200	\$50-\$250	\$50-\$450	\$50-\$450		18 months	
North Carolina	infraction	\$100							
North Dakota	moving violation	\$100							
Ohio	unclassified misdemeanor		≤ \$150 or attend distracted driving safety course	≤ \$250	≤ \$500	≤ \$500	may suspend driver's license if second or subsequent violation within 2 years	2 years	fine doubled if in construction zone
Oklahoma	[not specified]	≤ \$100							
Oregon	Class B traffic violation; class A violation if a second violation or contributes to a crash; class B misdemeanor for third or subsequent violation		≤ \$1,000; \$265 presumptive fine	≤ \$2,000; \$440 presumptive fine	≤ \$2,500	≤ \$2,500		10 years	higher presumptive fines in work, school, or safety zones
Pennsylvania	summary offense	\$50							
Rhode Island (text messaging)	[not specified]		\$100, ≤ 30 days suspension	\$150, ≤ 3 months suspension	\$250, ≤ 6 months suspension	\$250, ≤ 6 months suspension	fine, license suspension, or both	[not specified]	
Rhode Island (mobile telephone usage)	[not specified]	\$100							fine suspended for first-time violator who acquires a hands-free accessory
South Carolina	[not specified]	≤ \$25							
South Dakota	class 2 misdemeanor	≤ \$500, ≤ 30 days in jail, or both							
Tennessee	Class C misdemeanor; moving violation		\$50 or completion of driver education course	\$50	\$100	\$100	≤ \$10 in court costs	[not specified]	fine \$100 if a crash, \$200 if in a work zone or marked school zone when flashers are operating
Texas	misdemeanor		\$25-\$99	\$100-\$200	\$100-\$200	\$100-\$200		[not specified]	fine ≤ \$4,000 and ≤ 1 year in jail if violation causes death or serious bodily injury

APPENDIX D, FINES AND OTHER PENALTIES FOR DISTRACTED DRIVING

	Classification of violation	Fine, if does not increase	Fine, first offense	Fine, second offense	Fine, third offense	Fine, subsequent offense	Penalty, other	Lookback period	Additional information
Utah	Class C misdemeanor; Class B misdemeanor if serious bodily injury or >1 conviction within 3 years; felony if cause death	≤ \$100 for class C, ≤ \$1,000 for class B, ≤ \$10,000 if felony					imprisonment ≤ 90 days if class C, ≤ 6 months if class B, ≤ 15 years if felony		
Vermont	traffic violation		\$100-\$200	\$250-\$500	\$250-\$500	\$250-\$500		2 years	finer doubled for violation in work and school zones; offenses counted for previous 2 years
Virginia	traffic infraction		\$125	\$250	\$250	\$250		[not specified]	fine is \$250 if in work zone
Washington	traffic infraction	≤ \$250							under RCWA 46.63.110, fines are set by Washington Supreme Court
West Virginia	misdemeanor		\$100	\$200	≤ \$350	≤ \$350	court may suspend driver's license for 90 days	24 months	fine \$500-\$1,000, ≤120 days in jail, or both and license revoked for 1 year if cause serious physical harm; violator is guilty of negligent homicide if death within 1 year after violation, ≤1 year in jail, fine \$100-\$1,000, or both, license revoked
Wisconsin (distracted driving, texting)	[not specified]	\$20-\$400							
Wisconsin (work zone)	[not specified]		\$20-\$40	\$50-\$100	\$50-\$100	\$50-\$100		1 year	
Wyoming	misdemeanor	≤ \$75							
federal, CMV				disqualified for 60 days	disqualified for 120 days			3 years	