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## HANDS-FREE AND DISTRACTED DRIVING LAWS IN OTHER STATES

This memorandum summarizes information on definitions, exceptions, and penalties from statutes in the 15 states and the District of Columbia identified by staff of the National Conference of State Legislatures (NCSL) as requiring hands-free use of communication devices while driving passenger vehicles. The other states' statutes on which this memorandum is based are listed in Appendix A.

The states identified as having hands-free requirements are California, Connecticut, Delaware, Hawaii, Illinois, Maryland, Nevada, New Hampshire, New Jersey, New York, Oregon, Rhode Island, Vermont, Washington, and West Virginia. The District of Columbia also has hands-free requirements. In 2017, Arkansas and Tennessee added limited hands-free requirements, and Texas authorized localities to require hands-free use. Distracted driving more generally is addressed in statutes of states including Connecticut, Georgia, Maine, New Jersey, and North Dakota, and in the District of Columbia. The information below is from primary statutes on the topic; additional statutes may have a bearing on these prohibitions or the penalties for violations. Information on general approaches, exceptions, and enforcement and penalties is provided.

### General Approaches in Other States' Laws

#### *Hands-Free Requirements*

Among the ways state laws differ is how they define "hands-free." The statutory excerpts below indicate states' general approaches to prohibiting use of mobile devices while driving and what uses of hands these states specifically allow or disallow. For example, Delaware law prohibits holding a device in a hand or hands, but Nevada and other states prohibit using hands "other than to activate, deactivate or initiate a feature or function on the device." Some states prohibit use of hand-held devices for voice communication and prohibit texting in the same statute, while others that prohibit use of hand-held devices separate statutes into voice- and text-related statutes.

**Arkansas.** A driver of a motor vehicle shall not operate a motor vehicle while using a wireless telecommunications device to write, send, or read a text-based communication, or access, read, or post to a social networking site. The definition of "wireless telecommunications device" does not include a hands-free wireless telephone or device. A driver of a motor vehicle is not in violation . . . if he or she reads, selects, or enters a telephone number or name in a wireless telecommunications device for the purpose of making a telephone call.

**California.** A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

A person shall not drive a motor vehicle while holding and operating a handheld wireless telephone or an electronic wireless communications device unless the wireless telephone or electronic wireless communications device is specifically designed and configured to allow voice-operated and hands-free operation, and it is used in that manner while driving.

**Connecticut.** [N]o 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. “Engage in a call” means talking into or listening on a hand-held mobile telephone, but does not include holding a hand-held mobile telephone to activate, deactivate, or initiate a function of such telephone.

**Delaware.** No person shall drive a motor vehicle on any highway while using an electronic communication device while such motor vehicle is in motion. “Using” shall mean holding in a person’s hand or hands an electronic communication device while: viewing or transmitting images or data; playing games; composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages,, or other electronic data; or engaging in a call. “Engages or engaging in a call” shall mean when a person talks into or listens on an electronic communication device, but shall not mean when a person dials or punches a phone number on an electronic communication device.

**District of Columbia.** No person shall use a mobile telephone or other electronic device while operating a moving motor vehicle in the District of Columbia unless the telephone or device is equipped with a hands-free accessory. “Hands-free accessory” means an attachment, add-on, built-in feature, or addition to a mobile telephone, whether or not permanently installed in a motor vehicle, that when used allows the vehicle operator to maintain both hands on the steering wheel.

**Hawaii.** No person shall operate a motor vehicle while using a mobile electronic device. The use of a mobile electronic device for the sole purpose of making a “911” emergency communication shall be an affirmative defense to this law.

**Illinois.** A person may not operate a motor vehicle on a roadway while using an electronic communication device. This section does not apply to . . . a driver using an electronic communication device in hands-free or voice-operated mode, which may include the use of a headset; . . . a driver using an electronic communication device by pressing a single button to initiate or terminate a voice communication . . . .

**Maryland.** A driver of a motor vehicle that is in motion may not use the driver’s hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone.

**Nevada.** [A] person shall not, while operating a motor vehicle on a highway in this State: (a) manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging; (b) use a cellular telephone or other handheld wireless communications device to engage in voice communications with

another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

**New Hampshire.** No person, while driving a moving motor vehicle upon a way or temporarily halted in traffic for a traffic control device or other momentary delay, shall use any hand-held mobile electronic device capable of providing voice or data communication, including but not limited to: reading, composing, viewing, or posting any electronic message; or initiating, receiving, or conducting a conversation; or initiating a command or request to access the Internet; or inputting information into a global positioning system or navigation device; or manually typing data into any other portable electronic device.

**New Jersey.** The 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, provided that its placement does not interfere with the operation of federally required safety equipment and the operator exercises a high degree of caution in the operation of the motor vehicle. [T]his definition [of a hands-free wireless telephone] shall not preclude the use of either hand to activate, deactivate, or initiate a function of the telephone.

**New York.** [use of mobile telephones]. [N]o person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion. “Engage in a call” shall mean talking into or listening on a hand-held mobile telephone, but shall not include holding a mobile telephone to activate, deactivate or initiate a function of such telephone. “Hands-free mobile telephone” shall mean a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a function of such telephone.

[use of portable electronic devices]. [N]o person shall operate a motor vehicle while using any portable electronic device while such vehicle is in motion. “Using” shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or, for the purpose of present or future communication: performing a command or request to access a world wide web page, composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, instant messages, or other electronic data.

**Oregon.** 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. This section does not apply to a person who activates or deactivates a mobile electronic device or a function of the device . . . . It is an affirmative defense to a prosecution . . . that the person was 18 years of age or older and was using a hands-free accessory. “Driving” does not include when the motor vehicle has stopped . . . off a roadway.

**Rhode Island.** No person shall operate a motor vehicle while using a hand-held personal wireless communication device to engage in a call while such vehicle is in motion. “Use” means holding the device to, or in the immediate proximity of, the user’s ear. “Engage in a call” means talking into or listening on the device, but does not include holding the device to activate, deactivate, or initiate a function of the telephone.

**Tennessee.** [voice] In a marked school zone, when a warning flasher or flashers are in operation, it is an offense for a person to knowingly operate a motor vehicle and talk on a hand-held mobile telephone while the vehicle is in motion.

[text] No person while driving a motor vehicle on any public road or highway shall use a hand-held mobile telephone or a hand-held personal digital assistant to transmit or read a written message; provided, that a driver does not transmit or read a written message . . . if the driver reads, selects or enters a telephone number or name in a hand-held mobile telephone or a personal digital assistant for the purpose of making or receiving a telephone call.

**Texas.** A municipality, county, or other political subdivision may by ordinance or rule prohibit use of a wireless communication device while operating a motor vehicle and must post signs declaring that prohibition and whether hands-free use is allowed.

**Vermont.** [A] person shall not use a portable electronic device while operating a motor vehicle on a public highway. The prohibitions of this subsection shall not apply to hands-free use [or] to activation or deactivation of hands-free use, as long as any accessory for securely mounting the device is not affixed to the windshield. . . . "Hands-free use" means the use of a portable electronic device without use of either hand by employing an internal feature of, or an attachment to, the device.

**Washington.** A person who uses a personal electronic device while driving a motor vehicle on a public highway is guilty of a traffic infraction and must pay a fine. . . . "Personal electronic device" means any portable electronic device that is capable of wireless communication or electronic data retrieval and is not manufactured primarily for hands-free use in a motor vehicle. "Personal electronic device" includes, but is not limited to, a cell phone, tablet, laptop, two-way messaging device, or electronic game.

**West Virginia.** [A] person may not drive or operate a motor vehicle on a public street or highway while: (1) texting; or (2) using a cell phone or other electronic communications device, unless the use is accomplished by hands-free equipment. "Hands-free equipment" means the internal feature or function of a hands-free electronic communication device or the attachment or addition to a hands-free electronic communication device by which a user may engage in a call or text without the use of either hand or both hands. "Using a cell phone or other electronic communication device" means holding in a person's hand or hands an electronic communication device while: (A) viewing or transmitting images or data; (B) playing games; (C) composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages or other electronic data; or (D) engaging in a call.

### ***Restrictions Related to the Motion of the Vehicle***

States also differ in how the restrictions are related to motion of the vehicle. All but California fit into at least one of three categories:

- Defining the violation as being when the vehicle is in motion: Delaware, District of Columbia, Maryland, New York, Rhode Island, and Tennessee;
- Prohibiting use while the vehicle is on a highway: Hawaii, Illinois, Nevada, New Jersey, Oregon, and Washington; and

- Prohibiting use in traffic, even while the vehicle is temporarily halted in traffic: Connecticut, Hawaii, New Hampshire, Vermont, Washington, and West Virginia.

## Distracted Driving More Generally

Of the statutes reviewed, only those of Connecticut, Georgia, Maine, New Jersey, and North Dakota have general prohibitions on distracted driving; the District of Columbia also prohibits it. Georgia and Maine do not require all mobile device use to be hands-free. This list does not include prohibitions on distracted driving that may be in statutes in sections not directly related to hands-free use.

- **Connecticut.** Except as provided in subsections [regarding hands-free use of certain devices under certain circumstances]. . . , 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.
- **District of Columbia.** Distracted driving shall be prohibited. “Distracted driving” means inattentive driving while operating a motor vehicle that results in the unsafe operation of the vehicle where such inattention is caused by reading, writing, performing personal grooming, interacting with pets or unsecured cargo, using personal communications technologies, or engaging in any other activity which causes distractions.
- **Georgia.** 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, provided that, except as prohibited by Code Sections 40-6-241.1 and 40-6-241.2, the proper use of a radio, citizens band radio, mobile telephone, or amateur or ham radio shall not be a violation of this Code section.
- **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. A person commits the separate traffic infraction of operation of a motor vehicle while distracted if, during a violation or a crash, the person was engaged in the operation of a motor vehicle while distracted.
- **New Jersey.** Notwithstanding any other provision of law to the contrary, it shall be unlawful for any person to drive or operate a motor vehicle in an unsafe manner likely to endanger a person or property.
- **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 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, . . . [which means] engaged in an activity that is not necessary to the operation of the

vehicle and actually impairs, or would reasonably be expected to impair, the ability of the individual to safely operate the vehicle.

In addition, Texas amended its law in 2017 to require the driver’s license examination include “knowledge of the effect of using a wireless communication device, or engaging in other actions that may distract a driver, on the safe or effective operation of a motor vehicle.”<sup>1</sup>

**Exceptions to the Prohibitions**

Most exceptions to the prohibitions on using mobile devices while driving are like those in Kansas law that prohibits texting while driving (KSA 2016 Supp. 8-15,111). All provide exception for use of a mobile device to prevent imminent injury to a person or property. The table on the next page indicates which states offer which exceptions. Statutory wording of each exception will be provided upon request.

<b>Exceptions to Hands-Free Use of Mobile Devices, General</b> X indicates similar exception																		
<b>Kansas (texting ban) (KSA 2016 Supp. 8-15,111)</b>	<b>CA</b>	<b>CT</b>	<b>DC</b>	<b>DE</b>	<b>HI</b>	<b>IL, phone</b>	<b>IL</b>	<b>MD</b>	<b>NV</b>	<b>NH</b>	<b>NJ</b>	<b>NY</b>	<b>OR</b>	<b>RI</b>	<b>VT</b>	<b>WA</b>	<b>WV</b>	
(c) The provisions of subsection (b) [texting ban] shall not apply to:																		
(1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer’s or emergency service personnel’s employment;	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(2) A motor vehicle stopped off the regular traveled portion of the roadway;		X			X		X	X		X		X		X	X	X	X	
(3) A person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call;			X															
(4) A person who receives an emergency, traffic or weather alert message; or																		
(5) A person receiving a message related to the operation or navigation of the motor vehicle.								X	X	X					X			
(d) The provisions of subsection (b) shall not prohibit a person																		

1 Texas Transportation Code Sec. 521.161, as amended by HB 62 (2017).

**Exceptions to Hands-Free Use of Mobile Devices, General**

X indicates similar exception

from using a wireless communications device while operating a moving motor vehicle to:																	
(1) Report current or ongoing illegal activity to law enforcement;				X					X		X			X			X
(2) Prevent imminent injury to a person or property; or	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(3) Relay information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle.				X	X		X	X	X	X	X		X			X	X
Exceptions below are NOT in Kansas' texting ban																	
Other, specified, workers within the scope of their employment		X		X					X				X	X			
Operate amateur radio		X		X	X		X		X		X					X	X
Operate a two-way or citizens band radio							X									X	X
Worker within a specified zone						X											

The most common exceptions are these (using language from KSA 2016 Supp. 8-15,111 to describe them):

- **Law enforcement or emergency service personnel acting within the scope of their professional employment.** All of the states reviewed have similar exceptions for law enforcement personnel. Nevada, Oregon, and Rhode Island also include exceptions for utility personnel, under certain circumstances. Oregon and Rhode Island exempt tow vehicle operators. Connecticut exempts military personnel; however, Department of Defense regulations prohibit all but hands-free use unless the vehicle is stopped.<sup>2</sup> Delaware exempts employees, including government employees, using two-way radios.
- **Preventing imminent injury to a person or property.** All of the states have exemptions related to emergencies, but those exemptions vary. The requirement for hands-free operation does not extend to calls made to emergency personnel (*i.e.*, 9-1-1 calls) in California, Connecticut, Delaware, Hawaii, Illinois, Maryland, New York, Rhode Island, Vermont, West Virginia, and the District of Columbia. California, Maryland, New Hampshire, and Rhode Island also allow calls to certain other providers of emergency assistance, such as health care providers. The remaining states offer more narrow exemptions: “responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous” (Nevada); “the operator has reason to fear for his life or safety” (New Jersey); and “summoning medical or other emergency help if no other person in the vehicle is capable of summoning help” (Oregon).
- **Relaying information between a transit or for-hire operator and the operator’s dispatcher, in which the device is permanently affixed to the motor vehicle.** Delaware, Hawaii, Nevada, New Hampshire, New Jersey, Oregon, Washington, and West Virginia specify this two-way communication must be by voice radio. Illinois allows a driver of a commercial vehicle to read a message displayed on a permanently installed device with a screen not exceeding ten inches tall by ten inches wide and to use a fleet management system or dispatching service for a purpose not otherwise prohibited. Maryland allows “use of a hand-held telephone as a communication device utilizing push-to-talk technology.”
- **Operating an amateur radio.** Connecticut and Nevada laws restrict use to emergency situations or drills only, but Delaware, Hawaii, Illinois, New Jersey, Oregon, Washington, and West Virginia do not. All but New Jersey and Washington require the operator to be licensed by the Federal Communications Commission.

## Enforcement and Penalties

In Kansas, the fine for unlawful text messaging is \$60. The states reviewed that specify minimum fines have fines for violation of hands-free requirements ranging from \$20 for a first offense in California to \$600 to \$800 for a third or subsequent offense in New Jersey. (A “0” in

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<sup>2</sup> See Army Regulation 385-10, Section 11-4e.



the “lowest fine” column indicates only a maximum fine is specified.) As also indicated in the table below, some states’ laws allow or require increased penalties under certain circumstances, such as when a crash related to use of a mobile device causes injury. The table does not address the issue of court costs, as that information was present in very few of the statutes reviewed.

<b>Fines in Current Law</b>			
<b>State</b>	<b>Lowest fine</b>	<b>Highest fine</b>	<b>Additional information</b>
California	\$20	\$50	
Connecticut	\$150	\$500	
Delaware	\$100	\$300	
District of Columbia	\$100	\$100	If first offense, waiver of penalty if person provides proof of acquiring a device to allow hands-free operation
Hawaii	\$250	\$250	\$300 if in school zone or construction area
Illinois	\$75	\$175	
Maryland	\$75	\$175	If first offense, waiver of penalty if person provides proof of acquiring a device to allow hands-free operation
Nevada	\$50	\$250	
New Hampshire	\$100	\$500	
New Jersey	\$200	\$800	If third or subsequent offense, may suspend driver’s license for 90 days
New York	\$50	\$450	
Oregon	\$0	\$1,000	Minimum fine of \$2,000 if a third or subsequent conviction within ten years; presumptive fine of \$265; presumptive fine of \$525 if in a highway work or school zone or a safety corridor
Rhode Island	\$0	\$100	
Vermont	\$100	\$500	
Washington	\$0	\$250	
West Virginia	\$100	\$300	

The state laws reviewed also included these provisions related to enforcement:

- New York, Rhode Island, and West Virginia laws include this language: The provisions “shall not be construed as authorizing the seizure or forfeiture of a hand-held mobile telephone or a mobile electronic device, unless otherwise provided by law.”
- In Arkansas, an officer investigating a crash must indicate on the written accident form whether the driver was using a wireless telecommunications device at the time of the crash; a District of Columbia officer making a written accident report must include whether a mobile telephone or other electronic device was present in the motor vehicle, whether the use of such device may have contributed to the cause of the accident, and whether any other distraction may have contributed to the cause of the accident; and in Connecticut, any law enforcement officer who

issues a summons for a violation of the distracted driving statute must record on the summons the specific nature of any distracted driving behavior the officer observed;

- Laws of New Hampshire, New York, and Rhode Island state a vehicle operator with a mobile device near the operator's ear is presumed to be engaging in a call. New York adds a person who holds a portable electronic device in a conspicuous manner while operating a vehicle is presumed to be using the device; and
- First-time offenders in Maryland, Rhode Island, and the District of Columbia may have their penalties waived if the offender offers proof of acquiring a device to allow hands-free operation. Oregon law, as of January 1, 2018, allows a court to suspend a fine for a first conviction of driving while using a mobile electronic device if the person, within 120 days of sentencing, completes at the person's own expense an approved distracted driving avoidance course and provides proof of completion to the court.

Iowa statutes do not require hands-free use of communications devices while driving, but in 2017 the state did raise the severity level of the crime of "unintentionally causing the death of another while driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property" to a class C felony. The law further states "a person's use of a hand-held electronic communication device to write, send, or view an electronic message while driving a motor vehicle shall be considered *prima facie* evidence that the person was driving the motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property."

### **Effectiveness of Bans on Device Use While Driving**

Two recent reviews of studies on the effectiveness of bans on device use while driving have concluded a majority of those studies have found benefits to such bans.

- A review of peer-reviewed studies looking at the effects of cell phone and texting bans published since 2009 states, "The evidence suggests that all-driver bans on hand-held phone conversations have resulted in long-term reductions in hand-held phone use, and drivers in ban states reported higher rates of hands-free phone use and lower overall phone use compared with drivers in non-ban states."<sup>3</sup> This report also notes that, even after changes to coding on crash reports in 2010, crash reports are unlikely to capture all incidents of distracted driving. The report points to the effectiveness of strong laws and consistent enforcement in changing driver behavior, as reflected in increased seat belt use over time, for example.
- A review of 350 analyses reported in 206 articles published between 1968 and 2012 found 80 percent of the analyses identified "detrimental relationships between secondary tasks and driving performance." Although the researchers found "cell phone use was highly predictive of driving performance decrements,"

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3 Anne T. McCartt, Ph.D., David G. Kidd, Ph.D., and Eric R. Teoh, M.S., "Driver Cellphone and Texting Bans in the United States: Evidence of Effectiveness," Insurance Institute for Highway Safety, Association for the Advancement of Automotive Medicine, March 2014, 5899-114. Downloaded from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4001674/> in February 2017.

they also note very few studies have examined relationships between driving and other secondary tasks, such as smoking, eating, and interacting with in-vehicle information systems.<sup>4</sup>

Recent individual peer-reviewed studies identified using searches of databases of academic journals also found relationships between device use and driver outcomes, as outlined below. All of the study reports also note additional research is required.<sup>5</sup>

**Relationships between bans and crashes.** Four of the studies identified found bans on device use have reduced numbers or severity of crashes.

- Texting bans and primary enforcement were associated with a 7.0 percent reduction in crash-related hospitalizations among all age groups in a study drawing from the Nationwide Inpatient Sample (NIS) from 19 states between 2003 and 2010, with higher reductions for adults than for adolescents. The NIS contains a 20.0 percent stratified random sample of U.S. community hospitals in each year, and hospitals report discharge data, the researchers report.<sup>6</sup>
- Researchers found a “strong relationship” between a ban on use of hand-held devices while driving and a decline in the number of rear-end collisions. The study looked at five years of California crash data, using a time period surrounding the introduction of a ban on hand-held device use effective July 1, 2008. The researchers controlled for several factors expected to be related to numbers of rear-end collisions: gas prices, rainfall, the unemployment rate, and net working days in the month.<sup>7</sup>
- Using data from the Fatality Analysis Reporting System (maintained by the National Highway Traffic Safety Administration) and information on the timing and type of texting ban and controlling for various economic, legal (e.g., speed limits), and population variables, researchers found primarily enforced laws banning all drivers from texting were significantly associated with a 3.0 percent reduction in traffic fatalities for drivers and nondrivers in all age groups. However, secondarily enforced restrictions were not associated with traffic fatality reductions. Although not the primary focus of this study, bans on use of hand-held devices also were associated with reductions in traffic fatalities for both drivers and nondrivers.<sup>8</sup>

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4 Ferdinand, Alva O., Dr.P.H., J.D., and Nir Menachemi, Ph.D. M.P.H. (2014). “Associations Between Driving Performance and Engaging in Secondary Tasks: A Systematic Review.” *American Journal of Public Health*, 104(3), E39-E48.

5 Studies summarized in this section were identified in August 2017 using searches of PubMed (<https://www.ncbi.nlm.nih.gov/pubmed/>) and ProQuest databases. The latter was accessed via the State Library of Kansas.

6 Ferdinand, Alva O., Dr.P.H., J.D., Nir Menachemi, Ph.D., M.P.H., Justin L. Blackburn, Ph.D., Bisakha Sen, Ph.D., Leonard Nelson, J.D., and Michael Morrissey, Ph.D. (2015). “The Impact of Texting Bans on Motor Vehicle Crash-Related Hospitalizations.” *American Journal of Public Health*, 105(5): 859-865.

7 Puelz, Robert, and Hanna E. Robertson (2016). “Cellphone Laws and Rear-end Accidents.” *Journal of Insurance Regulation*, 35, 1-24.

8 Ferdinand, Alva O., Dr.P.H., J.D., Nir Menachemi, Ph.D. M.P.H., Bisakha Sen, Ph.D., Justin L. Blackburn, Ph.D., Michael Morrissey, Ph.D., and Leonard Nelson, J.D., L.L.M. (2014). “Impact of Texting Laws on Motor Vehicular Fatalities in the United States,” *American Journal of Public Health* 104(8): 1370-1377.

- Orthopedic trauma patients were asked about their phone use, texting frequency, texting frequency while driving, and whether the patient's injury was related to a motor vehicle crash. The researchers concluded patients injured in motor vehicle crashes sent more text messages per week than did patients whose injuries were not the results of crashes. Controlling for age demonstrated that young age and heavy general texting frequency combined had the highest increase in crash risk, with age being the variable with the greater effect.<sup>9</sup>

**Individual driver responsiveness.** Several teams of researchers looked at the effectiveness of individual drivers operating vehicles or simulated vehicles while using electronic devices.

- A study seeking to determine “whether a text-based distraction has a negative impact on police officer driving performance” asked experienced officers to operate a simulator of a police vehicle. While performing a text-based task, as compared with when no text-based task was required, the officers had greater lane deviation, left their driving lanes more often, took longer to break, and had more “collisions.”<sup>10</sup>
- Devices installed in personal vehicles used by novice drivers (licensed for three weeks or less when the observations began, collected in 2006-2008) and by experienced drivers (having a mean length of time driving of 20 years; data collected in 2003-2004) recorded driver behaviors and incidents of crashes and near-crashes (as indicated by sudden deceleration). The researchers' analysis found “the performance of secondary tasks, including dialing or reaching for a cell phone, texting, reaching for an object other than a cell phone, looking at a roadside object, and eating, was associated with a significantly increased risk of a crash or near-crash among novice drivers. Among experienced drivers, only dialing a cell phone was associated with an increased risk.” They noted secondary tasks, including dialing, are likely to take the driver's eyes off the road.<sup>11</sup>
- Another study utilizing simulators recorded the driving errors of drivers while talking on a cell phone and while not talking on a cell phone, and the researchers also studied the participants' perceptions of how safely they drove. “Cell-phone participants' assessments of the safeness of their driving and confidence in their driving abilities were uncorrelated with their actual errors. Thus, talking on a cell phone not only diminished the safeness of participants' driving, it diminished their awareness of the safeness of their driving.”<sup>12</sup>

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9 Issar, Neil M., Rishin J. Kadakia, James M. Tsahakis, Zachary T. Yoneda, Manish K. Sethi., Hassan R. Mir, Kristin Archer, William T. Obremskey, Amir A. Jahangir (2013). “The Link Between Texting and Motor Vehicle Collision Frequency in the Orthopaedic Trauma Population.” *Journal of Injury and Violence Research*, 5(2), 95-100.

10 James, Stephen M. (2015). “Distracted Driving Impairs Police Patrol Officer Driving Performance.” *Policing*, 38(3), 505-516.

11 Klauer, Sheila G., Ph.D., Feng Guo, Ph.D., Bruce G. Simons-Morton, Ed.D., M.P.H., Marie Claude Ouimet, Ph.D., Suzanne E. Lee, Ph.D., and Thomas A Dingus, Ph.D. (2014). “Distracted Driving and Risk of Road Crashes Among Novice and Experienced Drivers.” *The New England Journal of Medicine*, 370(1), 54-9.

12 Sanbonmatsu, David M., David L. Strayer, Francenso Biondi, Arwen A. Behrends, and Shannon M. Moore, (2016). “Cell-phone Use Diminishes Self-awareness of Impaired Driving.” *Psychonomic Bulletin & Review*, 23(2), 617-623.

For more information, contact Jill Shelley, Principal Research Analyst, at [Jill.Shelley@klrd.ks.gov](mailto:Jill.Shelley@klrd.ks.gov).

**APPENDIX A - State Law Citations**

State	Citation	Short title of citation	Topic(s) included			
			General approach	Distracted driving	Exceptions	Penalties and enforcement
Arkansas	AR Code §§ 27-51-1503, 51-1504	Definitions; Use of a handheld wireless telecommunications device when driving	X		X	
	AR Code § 27-51-1506	Penalties				X
California	Vehicle Code § 23123	Driving a motor vehicle while using a wireless telephone; penalty; exceptions	X		X	X
	Vehicle Code § 23123.5	Driving motor vehicle while writing, sending or reading text-based communication; exceptions; penalty	X		X	X
Connecticut	CGSA § 14-296aa	Use of hand-held mobile telephones and mobile electronic devices by motor vehicle operators . . .	X	X	X	X
Delaware	21 Del.C. § 4176C	Electronic communication devices; penalties	X		X	X
District of Columbia	§ 50-1731.02	Definitions	X	X		
	§ 50-1731.03	Prohibition on distracted driving		X		
	§ 50-1731.04	Restricted use of mobile telephone and other electronic devices	X		X	
	§ 50-1731.06	Enforcement; fines and penalties				X
Georgia	Ga. Code Ann. § 40-6-241	Driver to exercise due care; proper use of radios and mobile telephones allowed		X		
Hawaii	HRS § 291C-137	Mobile electronic devices	X		X	X
Illinois	625 ILCS 5/12-610.1	Wireless telephones			X	X
	625 ILCS 5/12-610.2	Electronic communication devices	X		X	X
Iowa	I.C.A. § 707.6A	Homicide by vehicle – use of electronic communication devices while driving				X
Maine	29-A.M.R.S.A. § 2118	Failure to maintain control of a motor vehicle		X		
Maryland	MD Code, Transportation, § 21-1124.2	Use of handheld telephone while driving prohibited	X		X	X
Nevada	N.R.S. 484B.165	Using handheld wireless communications device . . . without use of hands-free device unlawful; exceptions; penalty . . .	X		X	X
New Hampshire	N.H. Rev. Stat. § 265:79-c	Use of mobile electronic devices while driving; prohibition	X		X	X

**APPENDIX A - State Law Citations**

State	Citation	Short title of citation	Topic(s) included			
			General approach	Distracted driving	Exceptions	Penalties and enforcement
New Jersey	N.J.S.A. 39:4-97.2	Driving, operating a motor vehicle in an unsafe manner, offense created; fines; surcharge		X		
	N.J.S.A. 39:4-97.3	Use of hands-free and hand-held wireless communication devices while driving; when permitted; penalty	X		X	X
New York	McKinney's Vehicle and Traffic Law § 1225-c	Use of mobile telephones	X		X	X
	McKinney's Vehicle and Traffic Law § 1225-d	Use of portable electronic devices	X		X	X
North Dakota	N.D.C.C. § 39-08-25	Failure to maintain control		X		
Oregon	O.R.S. § 811.507	Operating a motor vehicle while using a mobile electronic device	X		X	X
Rhode Island	Gen.Laws 1956, § 31-22-31	Mobile telephone usage by motor vehicle operators	X		X	X
Tennessee	T.C.A. § 55-8-201	Mobile device use	X		X	X
	T.C.A. § 55-8-199	Use of hand-held mobile telephone or personal digital assistant prohibited while driving	X		X	X
Texas	V.T.C.A., Transportation Code §§ 545.425, 545.425(b-2), 545.4251	Use of wireless communication device in a school crossing zone . . . ; Use of portable wireless communication device for electronic messaging; offense	X			
Vermont	23 V.S.A. § 1095b	Handheld use of portable electronic device prohibited	X		X	X
Washington	RCWA 46.61, new section (2017)	Using a personal electronic device while driving	X		X	
	RCWA 46.63.110	Monetary penalties				X
West Virginia	W. Va. Code, § 17C-14-15	Prohibited use of an electronic communications device driving without handheld features; definitions; exceptions; penalties	X		X	X