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MEMORANDUM

DATE: May 25, 2016

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: H.B. 302 (Texting & Hand-Held Cell Phone Use While Driving Penalties)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 302 which would increase the penalties for the improper use of electronic communication devices while driving. Under current law, a driver using an electronic communication device while a vehicle is in motion is subject to a \$50 civil penalty for a first offense and \$100-\$200 civil penalty for a subsequent offense. No points are assessed. H.B. 302 would enhance penalties as follows: \$100 civil penalty for first offense and \$200-\$300 civil penalty for subsequent offenses. H.B. 302 would also authorize imposition of points for second or subsequent offenses.

An informative history of Delaware's limits on phone-related distracted driving laws is attached. As it notes, the Delaware House overwhelmingly approved an increase in the civil penalty for a first offense in 2014 to \$75 (H.B. 298) but the Senate did not act on the bill. The SCPD endorsed the 2014 legislation. See attached May 29, 2014 letter which noted that Delaware's penalties were lower than 34 of the 40 states with similar bans.

SCPD endorses the proposed legislation based on the following observations. In addition, increasing such penalties may result in fewer accidents which cause injuries and disabilities (e.g. spinal cord and traumatic brain injuries).

Updated statistics are compiled in the attachments. The penalty for a first offense in neighboring states is as follows: Maryland - \$500 fine; New Jersey - \$100 fine; and Pennsylvania - \$50 fine. The attached April 12, 2016 News Journal article observes that 18 states add points after a first offense.

Anyone traveling on Delaware roads routinely observes drivers flagrantly violating the law. The \$50 civil penalty is so modest that there is little deterrent effect. Moreover, driving while texting or using a hand-held device greatly increases the risk of accidents and injuries. See attached FCC article noting that driver distraction causes 18% of all fatal crashes and 11% of drivers aged 18-20 who survived a crash admitted they were sending or receiving texts when they crashed. See also attached May 4, 2016 News Journal article, "Simulator shows texting danger".

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: Mr. Brian Hartman, Esq.
Brain Injury Committee
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 302 texting & hand-held cell phone use while driving penalties 5-25-16

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Delaware: Cell phone laws, legislation

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Last updated: April 11, 2016

Distracted driving update: State Rep. Debra Hudson seeks to double the fines for electronic distracted driving. Her House Bill 302 of 2016 also calls for demerit points vs. the driver's license for texting or using a handheld cell phone. Delaware's base fines would increase from \$50 to \$100, with serial offenders paying as much as \$300, up from \$100 to \$200.



"Currently many drivers, particularly novice drivers, ignore the laws prohibiting texting and handheld-

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phone use while driving," the proposal says. Younger drivers seem "to be oblivious to some types of authority" and need stronger disincentives to stay away from their electronic devices while behind the wheel, Hudson says. The measure is backed by AAA Mid-Atlantic. The House approved an increase in distracted driving fines in 2014 but the legislation did not make it out of the Senate.

Current prohibitions:

- Text messaging prohibited for all drivers.
- Handheld cell phone use and use of Web prohibited for all drivers — hands-free devices OK. Includes PDAs, paging devices, games, laptops.
- Drivers with learner’s permits prohibited from using cell phones.
- School bus operators prohibited from using cell phones while driving.

Fines: \$106 (out of pocket, first offense), then up to \$300 (source OHS). Base fine \$50 first offense and \$100 to \$200 after that.

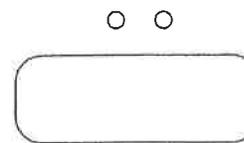
Read the laws: [Texting & mobile phones](#) | [School bus drivers](#)

Distracted driving legislation (2016):

House Bill 302: Would increase base fine for electronic distracted driving to \$100 (first offense) and then \$200 to \$300. Would establish demerit points vs. license for serial offenders. (Hudson)

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Distracted driving notes (2016):

HB 302's backers in the Senate are state Sen. Karen Peterson and Sen. Bryan Townsend.

2014 distracted driving legislation:

House Bill 298: Would hike the base fine for a first offense for using a handheld cell phone or other electronic device while driving from \$50 to \$75. Approved by the Public Safety Committee on April 30. Approved by the full House in a unanimous vote of June 12. Died in Senate committee. (Miro)

HB 155: Would bar drivers from using a wearable computer with head-mounted display, such as Google Glass. Cleared by the Public Safety Committee on June 12. (Baumbach)

House Resolution 28: Recognizes April 2014 as Distracted Driving Awareness Month. Approved by House in April 10 voice vote. (Short)

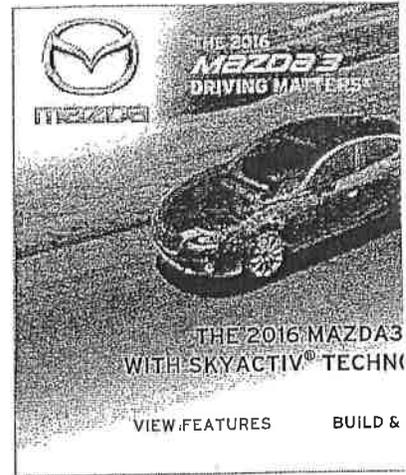
2014 distracted driving notes:

The House voted unanimously to raise the fine for electronic distracted driving to \$75. The increase would apply to first-time offenders. Fines for serial offenses would remain at \$100 to \$200. The 2014 bill comes from Republican state Rep. Joe Miro.

Another 2014 distracted driving bill seeks to bar drivers from wearing Google Glass.

2013 distracted driving notes:

Delaware law enforcement wrote about 19,500 citations for electronic distracted driving in 2013. Almost 150



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TOPICS

crashes in Delaware were blamed on distracted driving that year — about the same as in recent years.

Delaware law enforcement has issued over 33,000 cell phone citations since the cell phone law went into effect in 2011, state officials said June 21.

The federally funded “Phone in One Hand; Ticket in the Other” enforcement program has wrapped in Delaware, with more than 1,500 drivers stopped and cited in the third and final phase.

The total number of drivers ticketed under the three-part crackdown was 5,757, the Office of Highway Safety said June 21, 2013. Ticketing declined in both the second and third crackdowns.

The third sweep ran June 4-17, with at least 1,562 citations issued. In phase 2, April 9-22, law officers ticketed 2,043 distracted drivers. In November’s first phase, 2,152 distracted drivers were cited statewide, the OHS said.

“Preliminary evidence suggests that the program is having the desired effect on reducing hand held cell phone use while driving,” said Jana Simpler, director of the Office of Highway Safety. “We believe motorists heard our message loud and clear.”

More than 40 law enforcement agencies in Delaware targeted drivers who were texting or using handheld cell phones.

Sacramento also received funding this round, with 2,923 drivers cited Nov. 30-Dec. 9, 2012. The combination of

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increased enforcement and media awareness campaigns are similar to those undertaken in 2011 in Hartford, Ct., and Syracuse, N.Y.

Law officers in Delaware handed out 13,142 tickets for handheld cell phone use in 2012, the Office of Highway Safety said in April. Distracted driving was a factor in 125 crashes during the year, the Office of Highway Safety said.

OHS director Jana Simpler said after April's distracted driving sweep: "While we are seeing our message get through to Delaware drivers, our approach remains the same: If you are caught texting or using a hand-held device while driving, you will be stopped and ticketed." The U.S. DOT provided \$900,000 to expand the state's pilot enforcement campaign.

2013 legislation:

No distracted driving bills were filed for the 2013 General Assembly session.

2012 legislation:

House Bill 294: Requires that commercial drivers who violate the electronic distracted driving laws have the offense posted on their driving records. This brings Delaware state law into compliance with the FMCSA regulations regarding electronic communications devices and commercial drivers. Approved by the House in a unanimous vote April 26. Approved by the full Senate in a 14-3 vote of June 21. Signed by the governor June 28. (Mitchell)

House Resolution 38: Encourages compliance with state driving laws regarding electronic handheld devices. Calls

on the cell phone and automobile industries to continue distracted driving awareness campaigns, and to develop devices that limit use of cell phones by drivers. Approved by House on March 28 and by the Senate on March 29. Non-binding. (Willis)

2011-2012 distracted driving notes:

Lewis Schiliro, Delaware secretary of Safety and Homeland Security, said some police agencies "made an average of more than one arrest an hour" during the federally funded two-week distracted driving crackdown that began Nov. 7, 2012. The ticketing "will offer a tough lesson to any driver caught paying attention to their phones instead of the road," Schiliro said.

David Strickland, head of the National Highway Traffic Safety Administration, said the distracted driving crackdown funded in Delaware uses "a proven formula." In Hartford, Ct., a similar sweep resulted in a 72 percent drop in texting by drivers, he said. U.S. Transportation Secretary Ray LaHood unveiled the Delaware program as part of his "Blueprint for Ending Distracted Driving." California also is receiving funding.

About 17,100 tickets have been issued since Delaware's electronic distracted driving laws took effect in January 2011, State Police say. There were 9,842 tickets issued in 2011 and 7,284 so far in 2012 (as of August), Sgt. Paul Shavack told Hands Free Info. Fines range from \$50 to \$200.

At least 139 crashes in 2011 were caused in part by distracted drivers, state safety officials say.

Rep. Joe Miro, R-Pike Creek, who pushed through the Delaware talking & texting law, says one reason for all those distracted driving citations is ignorance of the law: "I think we need to be a little more aggressive in reminding drivers that it is the law."

The General Assembly is concerned as well. It has called on state drivers to observe state electronic distracted driving laws. The resolution of March 2012 also sought more distracted driving prevention efforts by the mobile phone and auto industries.

The governor has signed legislation that brings the state into compliance with federal regulations concerning reporting of commercial driver violations of wireless electronic communications laws. House Bill 294 got the final OK in late June.

Delaware State Police conducted a driver safety crackdown just before the 2012 Memorial Day weekend and the 2011 New Year's week, looking for distracted drivers and motorists who are under the influence.

The state's one-day crackdown on handheld cell phone violations yielded 330 tickets April 21, 2011. The sweep was conducted as part of Distracted Driving Awareness Month.

Miss Delaware Maria Cahill's "platform" for the Miss America pageant is auto safety, with the focus on texting while driving. Cahill's college roommate died in a texting-related crash.

2010 legislation:

House Substitute 1 for HB 229: Bans text messaging,

handheld cell phone use and Internet activities. Includes PDAs, paging devices, games, laptops. Applies when vehicle is in motion. Primary enforcement. Fines \$50 (first offense)/\$100/\$200. Cleared the House public safety committee on March 17. Approved by the full House on May 13 in a 33-5 vote. Approved by the Senate on June 15 by a 18-3 vote. Approved again by the House (and finalized) on June 22 in a 34-6 vote. Signed by Gov. Jack Markell on July 6. **Latest action:** Enforcement began Jan. 2, 2010. (Scott, Miro)

HB 298: Would prohibit the use of handheld cell phones by a driver while the vehicle is in motion. Fines \$50/\$100. (Miro)

2010 legislation notes:

Distracted driving was a contributor to 139 crashes in 2010, state officials said.

Several amendments were added to House Substitute 1 for HB 229 before it was approved May 13 in the House. One allows drivers to use their hands to enter numbers for a phone call or to engage hands-free accessories. The other exempts farm tractors and trucks from the ban on handheld electronics.

Rep. Darryl M. Scott, Dover, introduced the substitute for his HB 229 (of 2009) that watered down its proposed ban on all cell phone use by drivers to allow for hands-free operation. "I basically found I did not have support for a complete ban on cell phones," he said Feb. 8. An ally amended HB 229 to make it a "handheld cell phone" ban.

2009 legislation:

HB 40 Substitute (HS1): Would ban text messaging while

driving. Primary enforcement. \$50 fine. Tabled by sponsor on May 12, 2009, due to House opposition and problems with wording. Reintroduced as a text-messaging bill, HS1 for HB 40. That bill (without handheld cell phone provisions) was approved by the Delaware House on May 14 and sent to the Senate. Out of Public Safety Committee "on its merits" on June 18. (Miro)

HB 229: Would have prohibited all cell phone use by drivers. Amended to allow for hands-free operation of a cell phone by drivers in January 2010. (Scott)

Legislation notes:

The new bill, HS1 for HB 40, calls for a maximum \$50 fine and violations will be treated as a primary offense, meaning police can pull over drivers they believe to be text messaging. It also seeks to overrule all local and regional legislation.

The original HB 40 was presented by Rep. Joseph E. Miro, R-Pike Creek Valley. "I am very disappointed we are not passing the entire bill," Miro told the News Journal. "I will come back with the other half that is missing from this legislation sometime in the future, but for now, this is the best we can do."

As a cell phone and texting bill, HB 40 had been a magnet for amendments concerning exceptions such as use of ham-radio communications and work-related walkie-talkies.

While still a handheld cell phone ban, HB 40 required only that drivers have a hands-free device in order to drive and use a cell phone. It did not require drivers to

use the attachment. It also allowed for the reading of text messages, another problem fixed by amendments.

Wilmington, the largest city in Delaware, has approved a ban on the use of handheld cell phones and text messaging devices while driving. These activities would be considered primary offenses, meaning police could pull over drivers for that reason alone. Fines under the plan, presented by Michael Brown Sr., would run \$50. "Whatever Dover does or doesn't do, we need to take steps here to try to save lives when we can," Brown said. The ban takes effect Jan. 1, 2009.

Rep. Miro combined two bills that failed in the 2008 session to forge the 2009 legislation HB 40. "I brought this back because it is very close to my heart and I really think we need to address the issue," Miro said.

Miro's efforts to limit cell phone use by drivers date back to 2001.

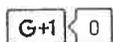
When a Miro bill (HB78) seeking to require hands-free devices for drivers was defeated in May 2007, it brought the following reaction:

"Why do we need this legislation?" said Rep. Dennis P. Williams, D-Wilmington, a retired lawman.

"What about a cup of coffee (being a distraction)? What about a CD player or a radio?"

Delaware State Police report that cell phones were a factor in 252 traffic accidents in 2008.

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MEMORANDUM

DATE: May 29, 2014

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, *DMP/so* Chairperson
State Council for Persons with Disabilities

RE: H.B. 298 (Distracted Driving Civil Penalty)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 298 which would raise the fine for a first offense for using a hand-held cell phone or other electronic device while driving from \$50 to \$75. As background, the Delaware Code currently authorizes civil penalties for drivers using handheld phones and devices. A first offense results in a \$50 civil penalty. A subsequent offense results in a \$100-\$200 civil penalty. Consistent with the attached articles, police issued 19,610 citations for violations of the law in 2013. The State Office of Highway Safety reported there were 149 cellphone related crashes in Delaware in 2013. It is inferable that some of these crashes resulted in injuries resulting in disability. SCPD endorses the proposed legislation based on the following observations.

First, statistics on the dangers of use of handheld devices while driving are compelling. On April 10, 2014, the House passed H.R. 28 recognizing April as "Distracted Driving Awareness and Enforcement Month". The preamble to the legislation includes the following observations: 1) drivers using cell phones are 4 times more likely to be in a crash and miss seeing up to 50% of the roadway environment; 2) cell phone use is a factor in nearly 1 in 4 crashes; 3) sending or receiving a text takes a driver's eyes off the road for an average of 4.6 seconds, the equivalent of driving the length of a football field when traveling at 55 mph; and 4) the percentage of drivers visibly manipulating hand-held devices is increasing.

Second, according to the attached April 13 News Journal article, Delaware's penalties are lower than those in 34 of the 40 other states with laws banning texting or using handheld phones while driving.

Third, since the percentage of drivers using handheld devices continues to increase despite current laws, enhancing penalties may have a deterrent effect. A \$50 civil penalty is so modest that many

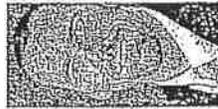
drivers will not be concerned with the consequences of violating the law. A higher penalty could be supported given the risk of accidents and resulting injuries attributable to distracted driving. In addition, the legislature may want to consider raising the fine for subsequent offenses.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: The Honorable Jack Markell
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 298 distracted driving civil penalty, 5-29-14

One trick improves your driving in seconds



EYES ON THE ROAD JIM LARDEAR

Prepare to be shocked and amazed. Use this one trick to improve your driving in seconds: Turn off your cellphone and put it out of reach before starting to drive.

Seems simple. Still, during 2013, more than 19,600 drivers in Delaware were issued citations under Delaware's hand-held cellphone and text messaging ban. And that's on top of the 16,100 cited in 2012.

However, there are far worse risks than just a ticket.

The National Highway Traffic Safety Administration estimates that 3,328 people were killed and an estimated 421,000 were injured in distraction-related crashes in 2012.

These numbers are roughly 10 percent of all fatal and 17 percent of all injury crashes, and they likely are under-reported because of the difficulty in determining the role distraction plays in crashes.

Last year in Delaware, police reported 149 crashes related to distracted driving.

Distracted driving is a danger that motorists easily recognize on Delaware's roadways.

According to a AAA study, nearly 89 percent of respondents believed that a driver talking on a cellphone represents a somewhat or serious threat to their personal safety.

That proportion increases to 95 percent with regard to drivers text messaging or emailing behind the wheel, and drivers checking or updating social media.

Here's another weird fact: Motorists recognize that risk in other drivers — but not in themselves.

AAA found a distressing "do as I say, not as I do" attitude among drivers.

While 31 percent of drivers believe they are not distracted while talking on their cellphone and driving, 82 percent believe that others are distracted while doing the exact same thing.

Although obvious to see, the concern and danger is not just with drivers holding a cellphone.

Hands-free and voice-activated technology that allows drivers to text and talk while driving is still dangerous because, cognitively, the brain is distracted.

A research study the AAA Foundation for Traffic Safety released last summer debunked that common myth by proving that hands-free cellphone use is not risk-free.

Mental distractions exist even when drivers keep their hands on the wheel.

The AAA Foundation study measured brainwaves, eye movement and more, showing hands-free technology increased mental workload and cognitive distractions that can lead to a type of tunnel vision or inattentive blindness where motorists don't see potential hazards right in front of them.

There is no time like the present to begin limiting potentially dangerous mental distractions behind the wheel, as April has been designated Distracted Driving Awareness Month in Delaware.

Delaware is one of 43 states with text messaging bans for drivers of all ages, one of 12 states prohibiting drivers of all ages from using hand-held

cellphones while driving, and one of 37 states that ban cellphone use by novice drivers.

If a police officer observes a motorist using a hand-held device while driving, they can pull them over and give them a \$106 fine for the first offense. Multiple offenses could result in fines up to \$300.

To prevent distracted driving, motorists are urged to:

- » Turn off electronic devices and put them out of reach before starting to drive.

- » Be good role models for young drivers, and talk with your teens about responsible driving.

- » Speak up when you are a passenger, and your driver uses an electronic device while driving. Offer to make the call for the driver, so his or her full attention stays on the driving task.

- » Always wear your seatbelt. Seatbelts are the best defense against other unsafe drivers.

Jim Lardear is director of public and government affairs for AAA Mid-Atlantic.

Lawmakers seek to increase some car texting fines

By Jon Offredo
The News Journal

A group of state lawmakers want to boost the fine for texting and using cell phones while driving by \$25.

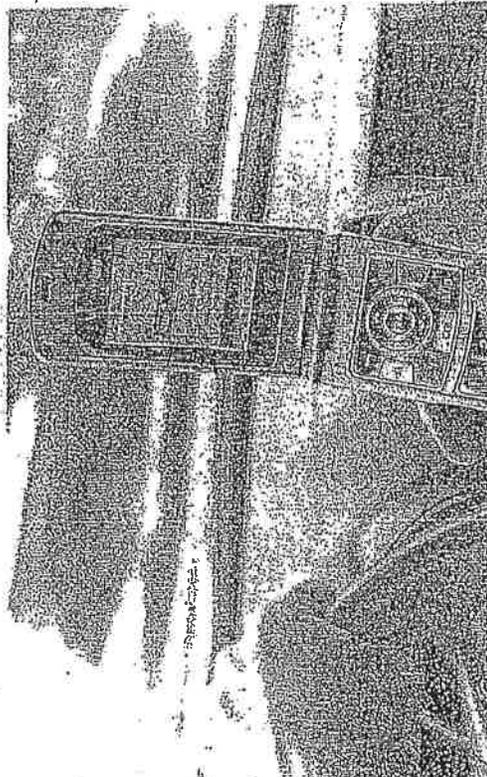
The legislation, introduced Thursday, raises the fine for first-time violators caught texting or using their hand-held device from \$50 to \$75.

"Talking while you are driving is not the issue, it is holding the phone while you're driving, or texting while you are driving. That is the issue," said Rep. Joe Miro, R-Pike Creek Valley.

"Cellphones have a place in our society. We're not trying to undermine that," he said on a phone interview Friday. Miro, the bill's sponsor, noted that he pulled over into a parking lot to speak since his hands-free device was not working.

State law bans texting while driving, and motorists are required to use hands-free technology when using cellphones in their vehicles. Officers who spot drivers using a hand-held device while driving will stop and cite them.

The bipartisan backed bill, which is pending action in the House Public Safety Committee, would not impact penalties for repeat offenders, who face fines between \$100 and \$200. But Delaware's current fines are lower than 34 of the 40 other states with laws banning texting,



A bill introduced in the General Assembly on Thursday raises the fine for first-time violators caught texting or using their hand-held device from \$50 to \$75. AP

"Talking while you are driving is not the issue, it is holding the phone while you're driving, or texting while you are driving."

REP. JOE MIRO

since 2011.

Last year, there were 149 cellphone-related crashes in Delaware, according to an official with the state Office of Highway Safety.

Nationally, the U.S. Department of Transportation launched its first campaign and law enforcement crackdown to combat distracted driving. The campaign, which started last week, runs through April 15.

Police across the state were out in full force Friday as part of that campaign to ticket motorists using their cellphones while driving.

Contact Jon Offredo at (302) 678-4271 or at joffredo@delawareonline.com or on Twitter @joffredo

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Distracted Driving Laws

May 2016

This chart outlines state distracted driving laws. Some localities have additional regulations. Enforcement type is shown in parenthesis.



Hand-held Cell Phone Use: 14 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands prohibit all drivers from using hand-held cell phones while driving. All are **primary enforcement laws**—an officer may cite a driver for using a hand-held cell phone without any other traffic offense taking place.

All Cell Phone Use: No state bans all cell phone use for all drivers, but 38 states and D.C. ban all cell phone use by **novice drivers**, and 20 states and D.C. prohibit it for **school bus drivers**.

Text Messaging: Washington was the first state to pass a texting ban in 2007. Currently, 46 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers. All but 5 have primary enforcement. Of the 4 states without an all driver texting ban:

2 prohibit text messaging by **novice drivers**.

1 restricts **school bus drivers** from texting.

Crash Data Collection: Nearly all states include at least one category for distraction on police crash report forms, although the specific data collected varies. The [Model Minimum Uniform Crash Criteria](#) (MMUCC) guideline provides best practices on distraction data collection.

Preemption Laws: Some states have preemption laws that prohibit local jurisdictions from enacting their own distracted driving bans. States with such laws include – but may not be limited to – Florida, Iowa, Kentucky, Louisiana, Mississippi, Nevada, Pennsylvania, Oklahoma, Oregon and South Carolina.

NOTE: GHSA does not compile any additional data on distracted driving laws other than what is presented here. For more information, consult the appropriate [State Highway Safety Office](#).

Learn More About Distracted Driving

[Issue Brief](#)

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State	Hand-held Ban	All Cell Phone Ban		Text Messaging Ban			Crash Data
		School Bus Drivers	Novice Drivers	All Drivers	School Bus Drivers	Novice Drivers	
Alabama			16, or 17 w/ Intermediate License <6 months (Primary)	Yes (Primary)		Covered under all driver ban	Yes
Alaska				Yes (Primary)		Covered under all driver ban	Yes
Arizona		Yes (Primary)					Yes
Arkansas ¹	18 - 20 years old (Primary)	Yes (Primary)	<18 (Secondary)	Yes (Primary)		Covered under all driver ban	Yes
California	Yes (Primary)	Yes (Primary)	<18 (Secondary)	Yes (Primary)		Covered under all driver ban	Yes
Colorado			<18 (Primary)	Yes (Primary)		Covered under all driver ban	Yes
Connecticut	Yes (Primary)	Yes (Primary)	<18 (Primary)	Yes (Primary)		Covered under all driver ban	
Delaware	Yes (Primary)	Yes (Primary)	Learner or Intermediate License (Primary)	Yes (Primary)		Covered under all driver ban	Yes
D.C.	Yes (Primary)	Yes (Primary)	Learners Permit (Primary)	Yes (Primary)		Covered under all driver ban	Yes
Florida				Yes (Secondary)		Covered under all driver ban	Yes
Georgia		Yes (Primary)	<18 (Primary)	Yes (Primary)		Covered under all driver ban	Yes
Guam	Yes (Primary)			Yes (Primary)		Covered under all driver ban	
Hawaii	Yes (Primary)		<18 (Primary)	Yes (Primary)		Covered under all driver ban	Yes

<u>Idaho</u>				Yes (Primary)	Covered under all driver ban	Yes
<u>Illinois</u>	Yes (Primary)	Yes (Primary)	<19 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>Indiana</u>			<21 (Primary) (eff. 7/2015)	Yes (Primary)	Covered under all driver ban	Yes
<u>Iowa</u>			Restricted or Intermediate License (Primary)	Yes (Secondary)	Covered under all driver ban	Yes
<u>Kansas</u>			Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>Kentucky</u>		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>Louisiana</u>	Learner or Intermediate License (regardless of age)	Yes (Primary)	1st year of License (Primary for <18)	Yes (Primary)	Covered under all driver ban	Yes
<u>Maine</u>			Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>Maryland</u>	Yes (Primary)		<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>Massachusetts</u>		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>Michigan</u>		Yes (Primary)	Level 1 or 2 License (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>Minnesota</u>		Yes (Primary)	<18 w/ Learner or Provisional License (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>Mississippi</u>		Yes (Primary)		Yes (Primary)	Covered under all driver ban	Yes
<u>Missouri</u>					<21 (Primary)	Yes
<u>Montana</u>						Yes
<u>Nebraska</u>			<18 w/ Learner or Intermediate License (Secondary)	Yes (Secondary)	Covered under all driver ban	Yes
<u>Nevada</u>	Yes (Primary)			Yes (Primary)	Covered under all driver ban	Yes
<u>New Hampshire</u>	Yes (Primary)		<18 (Primary)	Yes (Primary)	Covered under all driver ban	
<u>New Jersey</u>	Yes (Primary)	Yes (Primary)	Permit or Provisional License (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>New Mexico</u>	In State vehicles		Learner or Provisional License (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>New York</u>	Yes (Primary)			Yes (Primary)	Covered under all driver ban	Yes
<u>North Carolina</u>		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>North Dakota</u>			<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>Ohio</u>			<18 (Primary)	Yes (Secondary)	Covered under all driver ban	Yes
<u>Oklahoma</u>	Learner or Intermediate License (Primary)			Yes (Primary)	Covered under all driver ban	Yes
<u>Oregon</u>	Yes (Primary)		<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>Pennsylvania</u>				Yes (Primary)	Covered under all driver ban	Yes
<u>Puerto Rico</u>	Yes (Primary)			Yes (Primary)	Covered under all driver ban	
<u>Rhode Island</u>		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
<u>South Carolina</u>					Covered under all driver ban	Yes

				Yes (Primary)			
<u>South Dakota</u>			Learner or Intermediate License (Secondary)	Yes (Secondary)	Covered under all driver ban		Yes
<u>Tennessee</u>		Yes (Primary)	Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
<u>Texas</u> ²		Yes, w/ passenger ≤17 (Primary)	<18 (Primary)		Yes, w/ passenger ≤17 (Primary)	<18 (Primary)	Yes
<u>Utah</u>		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
<u>Vermont</u>	Yes (Primary)		<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
<u>Virgin Islands</u>	Yes (Primary)			Yes (Primary)	Covered under all driver ban		Yes
<u>Virginia</u>		Yes (Primary)	<18 (Secondary)	Yes (Primary)	Covered under all driver ban		Yes
<u>Washington</u>	Yes (Primary)		Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
<u>West Virginia</u>	Yes (Primary)		<18 w/ Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
<u>Wisconsin</u>			Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
<u>Wyoming</u>				Yes (Primary)	Covered under all driver ban		Yes
Total States	14 + D.C., PR, Guam, Virgin Islands All Primary	20 + D.C. All Primary	38 + D.C. Primary (32 + D.C.) Secondary (6)	46 + D.C., PR, Guam, Virgin Islands Primary (41 + D.C., PR, Guam, Virgin Islands) Secondary (5)	1 Primary	2 Primary	48 + D.C., Virgin Islands

¹ Arkansas also bans the use of hand-held cell phones while driving in a school zone or in a highway construction zone. This law is secondarily enforced.

² Texas has banned the use of hand-held phones and texting in school zones.

Sources: Insurance Institute for Highway Safety (IIHS) and State Highway Safety Offices.

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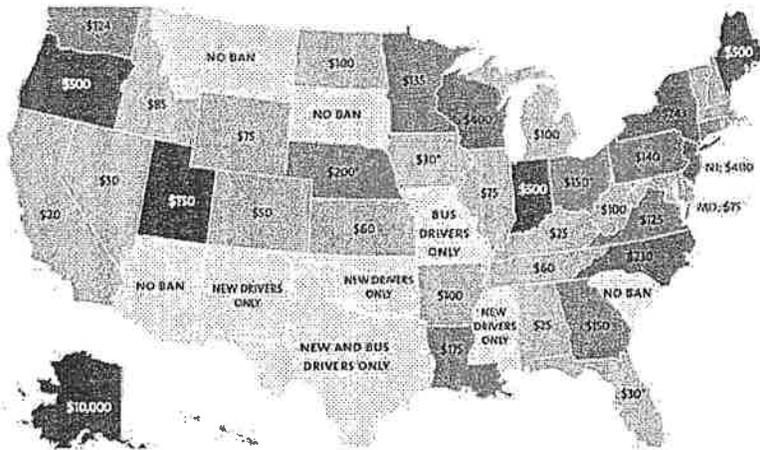
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By DAVE JOHNSON / MONEYWATCH / November 6, 2013, 7:00 AM

The penalty for texting and driving in your state



/ PHOTO COURTESY MOTHER JONES

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(MoneyWatch) Do you text and drive, read email and drive, or instant message and drive? Hopefully not, but the fact remains that many people are doing it. In fact, a recent study from the Governors Voice on Highway Safety shows that more than a third of drivers are reading texts and emails while driving, and the percentage of accidents in which cell phone use plays a role continues to go up.

What will it take to keep you from becoming a statistic? Just knowing that it's dangerous is apparently not good enough. But what about paying a fine? Almost every state -- all but four -- have passed legislation banning texting while driving.

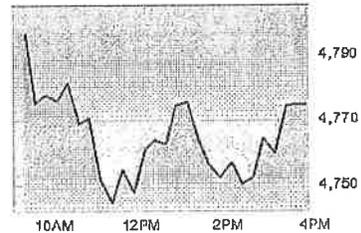
What's the penalty for using your phone for text or email while driving? It varies by state. Ignoring the four states which have enacted no laws, the lightest bill you can get is in California: Just \$20. That's in stark contrast to Alaska, which charges an incredible \$10,000 for texting while driving. New Jersey comes down somewhere in the middle, with a \$400 fee. You can see all the states in an infographic at Mother Jones, or browse this list, arranged from the most to the least costly states:

- Alaska \$10,000
- Utah \$750
- Guam \$500
- Indiana \$500
- Maine \$500

Market Data

Enter Ticker Symbol or Company Name

NASDAQ: May 01, 2016



Symbol	Last	Change	% Change
DOW	17,773.64	-57.12	-0.32%
NASDAQ	4,775.36	-29.93	-0.62%
S&P 500	2,065.30	-10.51	-0.51%

1,565 Amazon.com customer reviews

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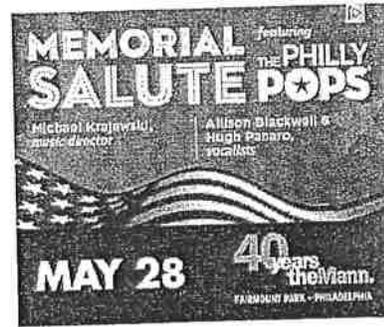
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- Minnesota \$135
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- Arkansas \$100
- Massachusetts \$100
- Michigan \$100
- New Hampshire \$100
- North Dakota \$100
- Vermont \$100
- West Virginia \$100
- District of Columbia \$100
- Idaho \$85
- Rhode Island \$85
- Illinois \$75
- Maryland \$75
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- Kansas \$60
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Market News

HOUSE BILL 302

Fines for texting and driving may double



**DELAWARE
LEGISLATIVE SESSION
MATTHEW ALBRIGHT**

Getting caught texting while driving in Delaware could soon bring greater fines and driver's license points.

House Bill 302, sponsored by Rep. Deborah Hudson, R-Fairthorne, would double the penalty for a first-time offense to \$100 and set the fine for each subsequent offense at \$200-\$300.

See FINES, Page 10A

Fines

Continued from Page 1A

The bipartisan measure also would put Department of Motor Vehicles points on licenses for those caught a second time, which could result in defensive driving courses being required or a suspended license. Points until now have been reserved for speeders, reckless driving and other serious moving violations.

The measure would have to be approved by both houses of the Legislature and Gov. Jack Markell. The General Assembly returned to Dover this week following spring recess, and both Democrats and Republicans have signed onto the legislation.

Hudson on Monday said she came up with the bill because she too often sees younger drivers texting.

"I'm a grandmother now, and I have a whole different way of looking at things," she said. "This generation seems to be oblivious to some types of authority, and I think this will help."

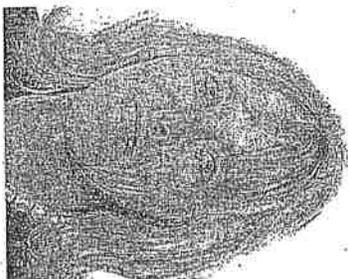
Hudson said she toned the bill down slightly. Originally, she wanted to have points put on licenses for a first offense, but compromised after other lawmakers said they did not support that.

Those who earn enough points for traffic violations — like speeding, running a red light or reckless driving — face progressively more severe penalties.

Get eight points and you will receive an advisory letter; get 12 and you will have to complete a "behavior modification/attitudinal-driving course." Further offenses come with suspensions of a driver's license, up to a 12-month suspension for those who earn 22 points.

The legislation would toughen a ban passed in 2011, when Delaware became the 30th state to prohibit behind-the-wheel texting and eighth to ban the use of hand-held phones. AAA estimates more than 64,000 drivers have been issued citations since the law was passed, the two most-cited being age groups 20-24 and 25-29.

Sen. Karen Peterson, D-Stanton, who is the Senate sponsor of the new rules, said the additional fine is badly needed. She routinely sees drivers on their phones when she makes the trip down Del. 1



BOB HERBERT/THE NEWS JOURNAL
Rep. Deborah Hudson

to Legislative Hall, she said.

"If it were up to me, the police officer would take the phone, throw it on the ground and stomp on it with their foot," she said.

But motorist Kathy Fisher questioned whether the threat of additional fines will encourage drivers to drop the phone, which she says is a major problem on roadways.

"I just know that I see a lot of people texting and driving," said Fisher, of Newark, on Monday. "I don't know if doubling the fines is going to make them stop, but I guess I don't have a problem with it if it is a deterrent."

AAA Mid-Atlantic spokesman Jim Lardear said 18 states add points to licenses after a first of-

"This generation seems to be oblivious to some types of authority, and I think this will help."

REP. DEBORAH HUDSON,
R-FAIRHORN

fense. The group supports the stricter penalties.

"I think most folks realize it's a risky thing to be doing," he said. "But we really fear that people don't take distracting driving seriously enough."

AAA Mid-Atlantic spokesman Jim Lardear said his organization supports increasing the penalties.

In a survey the AAA Foundation for Traffic Safety released this year, 2 in 3 drivers admitted to talking on a cell phone while driving, while 2 in 5 said they had read a text or email and 1 in 3 said they had typed or sent a message.

Between 2011 and 2014, 587 crashes involved cell phone use on Delaware roads, according to Office of Highway Safety reports

Distracted driving legislation

Delaware lawmakers are considering harsher rules on distracted driving. The measure would:

- » Toughen rules for those caught texting or using a handheld cellphone while driving
- » Doubles penalty for a first offense from \$50 to \$100.
- » Increases penalty for further offenses from \$100-\$200 to \$200-\$300.
- » Repeat offenders would get points on their license.

compiled by AAA.

"Distracted driving is one of our biggest concerns and one of our biggest focus areas," Lardear said. "You need good, strong laws; you need education about those laws and you need enforcement."

Lardear said studies show that peeking at a text or talking on the phone drastically reduces reaction times even after the driver puts down the phone. That can be deadly at highway speeds.

"People who think that they can drive and talk on the phone are mistaken," Lardear said. "Hands-free is not risk-free."

Forty-six states today forbid texting while driving, but only 14 states outlaw hand-held cellphone use like Delaware does, according to the National Transportation Safety Board.

An effective date has not been set yet for the

new rules.

Motorist Bob Mina said the changes can't come soon enough.

"Anything that's going to get peoples' hands and eyes and brains on the road and off their phones, I'm all for," said Mina, who works in Christina.

"There's enough distractions out there on the road without looking at your phone."

Peterson said lawmakers need to take the threat seriously.

"It's more dangerous than drunk driving," Peterson said. "I don't know what it's going to take to get them to get them to stop doing it. Increasing the fines is really the only tool we have."

Damian Giletto of The News Journal contributed to this story.

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The Dangers of Texting While Driving

The popularity of mobile devices has had some unintended and even dangerous consequences. We now know that mobile communications are linked to a significant increase in distracted driving, resulting in injury and loss of life.

- The National Highway Traffic Safety Administration reported that in 2012 **driver distraction was the cause of 18 percent of all fatal crashes – with 3,328 people killed – and crashes resulting in an injury – with 421,000 people wounded.**
- **Forty percent of all American teens say they have been in a car when the driver used a cell phone in a way that put people in danger,** according to a Pew survey.
- The Virginia Tech Transportation Institute found that **text messaging creates a crash risk 23 times worse than driving while not distracted.**
- **Eleven percent of drivers aged 18 to 20 who were involved in an automobile accident and survived admitted they were sending or receiving texts when they crashed.**

Distracted driving endangers life and property and the current levels of injury and loss are unacceptable.

To stem this problem, the FCC is working with industry, safety organizations, and other government agencies, to inform and educate the public about the dangers of distracted driving and is seeking to identify and facilitate the development of innovative technologies that could reduce the incidence of distracted driving. To help in this effort and share information, we created a [dedicated website \(/encyclopedia/distracted-driving\)](#).

Distracted Driving Information Clearinghouse

In addition, to collect and share information about consumer outreach activities and technology that could potentially reduce the problem of distracted driving, the Commission's staff created the [FCC Distracted Driving Information Clearinghouse \(/encyclopedia/distracted-driving-information-clearinghouse\)](#).

State Laws

Currently there is no national ban on texting or using a wireless phone while driving, but a number of states have passed laws banning texting or wireless phones or requiring hands-free use of wireless phones while driving. For more information on state laws, visit

www.ghsa.org/html/stateinfo/laws/cellphone_laws.html

(http://www.ghsa.org/html/stateinfo/laws/cellphone_laws.html).

What You Can Do

Give Clear Instructions – Give teen drivers simple, clear instructions not to use their wireless devices while driving. According to Cellular Telecommunications Industry Association, the easiest way to say it is: “On the road, off the phone.” Before new drivers get their licenses, discuss the fact that taking their eyes off the road – even for a few seconds – could cost someone injury or even death.

Lead by Example – Children learn from their parent's behavior. No one should text and drive. Be an example for your children and if you need to text or talk on the phone, pull over to a safe place.

Become Informed and Be Active - Review the information in our Clearinghouse and the literature on the websites mentioned above. Set rules for yourself and your household regarding distracted driving. Tell family, friends and organizations to which you belong about the importance of driving without distractions. Take information to your children's' schools and ask that it be shared with students and parents.

For More Information

For more information about wireless devices and driving, visit the FCC's Distracted Driving website at www.fcc.gov/encyclopedia/distracted-driving ([/encyclopedia/distracted-driving](http://www.fcc.gov/encyclopedia/distracted-driving)).

Consumer Help Center

For more information on other consumer issues, visit the FCC's Consumer Help Center at <https://consumercomplaints.fcc.gov> (<https://consumercomplaints.fcc.gov>).

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[Texting While Driving Guide \(https://transition.fcc.gov/cgb/consumerfacts/drivingandtexting.pdf\)](https://transition.fcc.gov/cgb/consumerfacts/drivingandtexting.pdf) (pdf)

Date Last Updated/Reviewed:

Wednesday, November 4, 2015 - 2:30pm

Bureau/Office:

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Simulator shows texting danger

MATTHEW ALBRIGHT

THE NEWS JOURNAL

With lawmakers set to approve stiffer penalties for those who text while driving, groups advocating against distracted driving brought a “virtual reality” simulator to Legislative Hall Tuesday. The simulator came to the state capitol building thanks to AAA and AT&T, which is in the midst of an “It Can Wait” campaign aimed at convincing drivers, particularly young people, to “keep their hands on the wheel and their eyes on the road.” The system uses a visor and headphones to immerse the viewer in the simulation, allowing them to look around in three dimensions. Several driving scenarios play that are interrupted with text messages, leading to near-misses and finally a huge crash. The groups usually deploy the simulator in schools — they were at A.I. du Pont High School on Monday — but several legislative staffers and even some state leaders got to take it for a spin on Tuesday.

“The sensation is such that you don’t ever want to text while driving again,” State Rep. Deborah Hudson, R-Fairthorne.

Hudson is sponsor of the bill that would double the fine for a first time offense of texting or using a handheld phone to \$100 and set the fine for each subsequent offense at \$200 to \$300. Repeat offenders would also see points added to their license.

Gov. Jack Markell stopped in to try the simulator, but he said he did not need any convincing.

“I don’t think people understand just how dangerous texting and driving is,” he said. “I don’t need any convincing.”

Contact Matthew Albright at malbright@delawareonline.com, (302) 324-2428, or on Twitter @TNJ_malbright.
