

LEGISLATIVE RESEARCH UNIT

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STATE LAWS BANNING TEXT MESSAGING WHILE DRIVING

You asked about laws of Illinois and other states banning the sending of text messages while driving. We searched state laws and Internet sites of industry groups, and describe below what we found.

The Illinois Vehicle Code prohibits actions that might be interpreted to include text messaging while driving in two kinds of situations:

- A driver under 19 with a learner's permit or a graduated license may not "drive a vehicle on a roadway while using a wireless phone" (defined as "a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network").¹ This section was added in 2005, before widespread use of cellphones for sending text messages; we have not found any court decisions on its application. It seems logical to interpret it broadly to cover any use of a cellphone for purposes for which the cellphone was designed—including text messaging and playing games in addition to engaging in voice conversations. However, a person charged with violation could argue that only use of a cellphone in the way described in the definition ("transmitting or receiving telephonic communications") violates it.
- A section added in 2002 prohibits a school bus driver from operating a bus while "using a cellular radio telecommunication device." The section defines such an action as "talking or listening to or dialing a cellular radio telecommunication device." It adds that such a device "means a device capable of sending or receiving telephone communications

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without an access line for service and which requires the operator to dial numbers manually. It does not, however, include citizens band radios or citizens band radio hybrids."² This section is narrower than the other one, in two important respects: (a) it applies only if the device requires numbers to be dialed manually; and, more important, (b) it applies only to talking, listening, and dialing a phone. Thus it seems logical to interpret this section as not applying to sending and receiving of text messages—both because it defines what is prohibited by listing only actions that do not include text messaging, and because criminal laws are applied narrowly if there is uncertainty about their application.

In October, Chicago enacted an ordinance prohibiting all persons from text messaging while driving; we enclose a copy.

The Insurance Institute for Highway Safety (IIHS) reports that all persons are prohibited from text messaging while driving in seven states (Alaska,³ California,⁴ Connecticut,⁵ Louisiana,⁶ Minnesota,⁷ New Jersey,⁸ and Washington⁹) plus the District of Columbia.¹⁰ Connecticut's law is broader, banning use of any handheld communication device, including a cellphone, while driving.¹¹ We enclose copies of those laws.

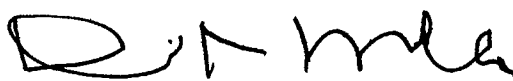
The IIHS says persons driving buses are prohibited from text messaging in four other states (Arkansas,¹² North Carolina,¹³ Texas,¹⁴ and Virginia¹⁵), and from using a cellphone in 16 states (Arizona,¹⁶ Arkansas,¹⁷ California,¹⁸ Connecticut,¹⁹ Georgia,²⁰ Illinois,²¹ Kentucky,²² Louisiana,²³ Massachusetts,²⁴ Minnesota,²⁵ New Jersey,²⁶ North Carolina,²⁷ Rhode Island,²⁸ Tennessee,²⁹ Texas,³⁰ and Virginia³¹) and the District of Columbia.³² Nine states ban text messaging by persons driving with learners' or intermediate licenses (Delaware,³³ Maine,³⁴ Maryland,³⁵ Nebraska,³⁶ North Carolina,³⁷ Oregon,³⁸ Texas,³⁹ Virginia,⁴⁰ and West Virginia⁴¹).

We hope this information is helpful. Please let us know if you need anything further.

Sincerely,



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Enclosures

1. Chicago Ordinance 2008-5486 (Oct. 8, 2008), amending Chicago Mun. Code, sec. 9-40-260.
2. 2008 Alaska Sess. Laws, ch. 99.

3. 2008 Cal. Stat., ch. 270.
4. Conn. Gen. Stat., sec. 14-296aa.
5. 2008 La. Act 665.
6. 2008 Minn. Laws, ch. 350 (relevant pages).
7. N.J. Stat. sec. 39:4-97.3.
8. Wash. Rev. Code, sec. 46.61.668.

Notes

1. 625 ILCS 5/12-610.1(a) and (b).
2. 625 ILCS 5/12-813.1.
3. 2008 Alaska Sess. Laws, ch. 99, amending Alaska Stat., sec. 28.35.
4. 2008 Cal. Stat., ch. 270, amending Cal. Veh. Code, sec. 12810.
5. Conn. Gen. Stat., sec. 14-296aa.
6. 2008 La. Act 665, amending La. Rev. Stat., sec. 32:398.
7. 2008 Minn. Laws, ch. 350 (relevant pages), amending Minn. Stat., sec. 169.01.
8. N.J. Stat. Ann., sec. 39:4-97.3.
9. Wash. Rev. Code, sec. 46.61.668.
10. Insurance Institute for Highway Safety, "Cellphone Laws" (Nov. 2008, downloaded from IIHS Internet site).
11. Conn. Gen. Stat., sec. 14-296aa.
12. Ark. Code, sec. 6-19-120.
13. N.C. Gen. Stat., sec. 20-137.4.
14. Tex. Transp. Code, sec. 545.425.
15. Va. Code, sec. 46.2-919.1.
16. Ariz. Adm. Code, subsec. R17-9-104(28).
17. Ark. Code, sec. 6-19-120.
18. Cal. Transp. Code, sec. 23125.
19. Conn. Gen. Stat., sec. 14-296aa.
20. Ga. Code, subsec. 40-6-165(e).
21. 625 ILCS 5/12-813.1.
22. Ky. Stat., sec. 281A.205.
23. La Rev. Stat., sec. 32:289.
24. Mass. Gen. Laws, chap. 90, sec. 7B.
25. Minn. Stat. sec. 169.443, subd. 9.
26. N.J. Stat., sec. 39:3B-25
27. N.C. Gen. Stat., sec. 20-137.4.
28. R.I. Gen. Laws, sec. 31-22-11.8.
29. Tenn. Code, sec. 55-8-192.
30. Tex. Transp. Code, sec. 545.425.
31. Va. Code, sec. 56.2-919.1.
32. D.C. Code, sec. 50-1731.05.
33. Del. Code, tit. 21, subsec. 4176B(a).
34. Me. Stat., tit. 29, sec 1311.
35. Md. Transp. Code, sec. 21-1124.
36. Neb. Code, subsec. 60-4,120.01(3)(c).

37. N.C. Gen. Stat., sec. 20-137.3.
38. Ore. Rev. Stat., sec. 811.507.
39. Tex. Transp. Code, sec. 545.424.
40. Va. Code, subsec. 46.2-334.01(C1).
41. W. Va. Code, subsec. 17B-2-3a(2)(G).