Talking on Mobile Phones While Driving: Regulations & Resolutions

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Driving while talking on mobile phones is dangerous, as I explained in the previous column. In this column, I review some resources for knowing what various jurisdictions in the US, Canada and Europe have decided about the practice.

In Canada, “New Brunswick and Alberta are the only provinces that still allow talking on a hand-held cellphone while driving.”<http://www.cbc.ca/canada/new-brunswick/story/2010/01/05/nb-cell-phone-driving-ban-125.html> In Britain, <http://www.greenflag.com/help/drivingguide_mobile.html> using a hand-held mobile phone while driving is illegal, as it is in most of Europe.<http://www.angloinfo.com/> In the United States, the Governors Highway Safety Association<http://www.ghsa.org/> posts a comprehensive table<http://www.ghs.org/html/stateinfo/laws/cellphone_laws.html> showing full details of exactly which regulations affect which types of phone and which types of drivers. The summary at the top of the table is as follows as of January 2010:

Current state cell phone driving law highlights include the following:

- Handheld Cell Phone Bans for All Drivers: 6 states (California, Connecticut, New Jersey, New York, Oregon and Washington), the District of Columbia and the Virgin Islands prohibit all drivers from talking on handheld cell phones while driving.
  - With the exception of Washington State, these laws are all primary enforcement—an officer may ticket a driver for using a handheld cell phone while driving without any other traffic offense taking place.
- All Cell Phone Bans: No state completely bans all types of cell phone use (handheld and hands-free) for all drivers, but many prohibit cell phone use by certain segments of the population.
  - Novice Drivers: 21 states and the District of Columbia ban all cell use by novice drivers.
  - School Bus Drivers: In 17 states and the District of Columbia, school bus drivers are prohibited from all cell phone use when passengers are present.
- Text Messaging: 19 states, the District of Columbia and Guam now ban text messaging for all drivers.
  - Novice Drivers: 9 states prohibit text messaging by novice drivers.
  - School Bus Drivers: 1 state restricts school bus drivers from texting while driving.
- Preemption Laws: 6 states have laws that prohibit local jurisdictions from enacting restrictions. In other states, localities are allowed to ban cell phone use or texting while driving.
- Some states, such as Maine, New Hampshire and Utah treat cell phone use as a larger distracted driving issue.
  - Utah considers speaking on a cellphone to be an offense only if a driver is also committing some other moving violation (other than speeding).

I think the evidence about the dangers of driving and talking on the phone is crystal clear: the distraction is potentially equivalent to the impairment from drinking a significant amount of
alcohol. Ironically, I’m a lifelong teetotaler<http://dictionary.reference.com/browse/teetotaler>, as I always tell my students, who frequently think that I am so off the wall that I must be on drugs; it would be stupid to avoid drugs only to embrace an equivalent. So for what it’s worth, one of my 2010 New Year’s Resolutions is to stop using my mobile phone when I’m driving.

I hope you will join me in “t-t-total abstinence” from cell-phone use while driving. I especially hope you’ll convince your kids to stop!

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