

Delaware: Cell phone laws, legislation

Last updated: March 4, 2017

Distracted driving update: Delaware has doubled its fines for electronic distracted driving. As of Aug. 31, base fines increased from \$50 to \$100, with serial offenders paying as much as \$300, up from \$100 to \$200. State Rep. Debra Hudson's legislation was OK'd by the House and Senate in June. Gov. Jack Markell signed the bill into law in late August. "Texting is every bit as dangerous as DUI," Hudson said.



"Currently many drivers, particularly novice drivers, ignore the laws prohibiting texting and handheld-phone use while driving," Hudson's proposal said. 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 also was backed by AAA Mid-Atlantic.

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: Base fine \$100 first offense and \$200 to \$300 after that. Actual payouts are higher after fees.

Delaware School Bus Two-way Radio

CHAPTER 318

FORMERLY

SENATE SUBSTITUTE NO. 1

FOR

SENATE BILL NO. 174

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CELL PHONE USE BY SCHOOL BUS DRIVERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Subchapter IX, Chapter 41, Title 21, Delaware Code by inserting therein the following:

“§4176A. Cell Phone Use by School Bus Drivers; Penalties

(a) No driver shall operate a school bus on any highway while using a cell telephone while such vehicle is in motion and such vehicle is transporting one or more children; provided that this section shall not apply to communications made to and from a central dispatch, school transportation department or its equivalent when the bus is not equipped with a functioning two-way radio.

(b) For the purposes of this section, cell telephone means a cellular, analog, wireless or digital telephone.

(c) Whoever violates this section shall for the 1st offense be fined not less than \$50 nor more than \$100. For each subsequent offense the person shall be fined not less than \$100 nor more than \$200 and shall have his/her school bus endorsement removed from his/her driver's license for a period of at least 6 months.

(d) It is an affirmative defense to prosecution under this section that the driver's use of a cell telephone was necessitated by a bona fide emergency.”

Approved July 6, 2004

Maryland Text Messaging and Cell Phone Laws

by [Rich Stim](#), Attorney

Maryland prohibits texting and use of handheld cell phones for all drivers. Novice drivers are prohibited from all cell phone use.

Cell Phone Use

All drivers are prohibited from using handheld cell phones

Novice drivers in Maryland - drivers who have learners permits or intermediate/provisional licenses, or are younger than 18 – are prohibited from using cellphones (handheld or hands-free) while driving.

If handheld cell phones are prohibited, then what's permissible? Here are the common options:

- abstinence (don't use a cell phone while driving)
- speaker phone (you may have to talk loud)
- use a bluetooth wireless device (those devices that people stick in their ear)
- use a wired headset (economical and they come with many phones)
- install a car kit (a more expensive proposition)

Texting Laws -All drivers are prohibited from texting while driving.

Bus Drivers - Bus drivers are prohibited from using handheld cell phones and from texting.

How is it Enforced? Fines for violating Maryland's cell phone laws range from \$40 to \$100. Maryland's texting law is considered "primary" law. A primary law means that an officer can pull you over for the offense without having to witness some other violation. That is, the officer sees you texting and issues a citation. Maryland's cell phone laws are secondary laws. A secondary law refers to the fact that an officer can only pull you over and issue a ticket if the officer has witnessed some other violation – for example, you ran a stop light while using a handheld cell phone.

Cellular Phone Use and Texting While Driving Laws

6/23/2017

- **Hand-held Cell Phone Use Ban:** 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 Cell Phone ban:** No state bans all cell phone use for all drivers, but 38 states and D.C. ban all cell phone use by novice or teen drivers, and 21 states and D.C. prohibit any cell phone use for school bus drivers.
- **Text Messaging ban:** 47 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers.
 - Missouri prohibits text messaging by novice or teen drivers.

Source: Insurance Institute for Highway Safety 2017.

Cellular Phone Use and Texting While Driving Laws by State

States	Hand-held ban	All cell phone ban	Texting ban	Enforcement	Crash Data Collection
Delaware	All drivers	Learner's permit and intermediate license holders and school bus drivers	All drivers	Primary	Yes

States	Hand-held ban	All cell phone ban	Texting ban	Enforcement	Crash Data Collection
Maryland	All drivers, School Bus Drivers.	Learner's permit and intermediate license holders under 18. School bus drivers.	All drivers	Primary	Yes

States	Hand-held ban	All cell phone ban	Texting ban	Enforcement	Crash Data Collection
Pennsylvania	Local option	No	All drivers	Primary	Yes

States	Hand-held ban	All cell phone ban	Texting ban	Enforcement	Crash Data Collection
New Jersey	All drivers	School bus drivers, and learner's permit and intermediate license holders	All drivers	Primary	Yes

States	Hand-held ban	All cell phone ban	Texting ban	Enforcement	Crash Data Collection
New York	All drivers	No	All drivers	Primary	Yes

Source: Source Insurance Institute for Highway Safety 2017. Governor's Highway Safety Association