

KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

ARIZONA

To read the full statute, including exceptions, please [click here](#).

A. A. Unless a motor vehicle is parked or stopped pursuant to Section 29 28-645, Subsection A, Paragraph 3 or Section 28-851, a person may not 30 operate a motor vehicle on a street or highway if the person does either 31 of the following:

32 1. Physically holds or supports with any part of the person's body 33 either of the following:

34 (a) a portable wireless communication device, except that a person 35 may use a portable wireless communication device with an earpiece, 36 headphone device or device worn on a wrist to conduct a voice-based 37 communication.

38 (b) a stand-alone electric device. 39 2. Writes, sends or reads any text-based communication, include a 40 text message, instant message, e-mail or internet data, on a portable 41 wireless communication device or stand-alone electronic device.

This 42 paragraph does not apply to either of the following:

43 (a) the use of voice-based communications, including through the 44 use of a portable wireless communication device or stand-alone electronic H.B. 2318-3-1 device, to direct the writing, sending, reading or other communicating of 2 any text-based communication.

3 (b) the use of a portable wireless communication device or 4 stand-alone device when used in a hands-free manner for:

5 (i) navigation of the motor vehicle.

6 (ii) use of a global positioning system.

7 (iii) obtaining a motor vehicle information or information related to 8 driving a motor vehicle.

9 B. This section does not prohibit the operation of a motor vehicle 10 while using a device, including a device that is accessible through an 11 interface that is embedded in a motor vehicle, that allows communication 12 without the use of either of the driver's hands, except to activate or 13 deactivate a function of the device. 14 C.

This section does not apply to:

15 1. An operator of an authorized emergency, law

enforcement or 16 probation vehicle who uses a portable wireless communication device while 17 acting in an official capacity.

18 2. An operator who is licensed by the Federal Communications 19 Commission while operation a radio frequency device other than a portable 20 wireless communication device.

21 3. An operator who uses a two-way radio or private land mobile 22 radio system, within the meaning of 47 Code of Federal Regulations Part 23 90, while in the performance and scope of the operator's work-related 24 duties and who is operating a fleet vehicle or who possesses a commercial 25 driver license.

26 4. An operator who uses a portable wireless communication device 27 either: 28 (a) to report illegal activity or summon emergency help. 29 (b) that was permanently or temporarily affixed to the motor 30 vehicle to relay information in the course of the operator's occupational

31 duties between the operator and either:

32 (i) a dispatcher.

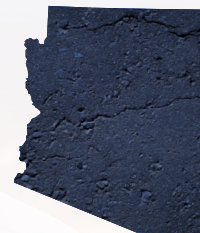
33 (ii) A digital network or software application service.

34 D. Beginning January 1, 2021, a person who violates this section is 35 subject to a civil penalty as follows: 36 1. At least \$75 but not more than \$149 for a first violation. 37 2. At least \$150 but not more than \$250 for a second or subsequent 38 violation.

39 E. The department shall post a sign at each point at which an 40 interstate highway or United States highway enters into this state that 41 informs an operator that both:

42 1. The use of a portable wireless communication device while 43 operating a motor vehicle is prohibited in this state. H.B. 2318-4-1 2.

The operator is subject to a civil penalty if the operator uses 2 a portable wireless communication device in violation of this section 3 while operating a motor vehicle in this state.



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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

ARKANSAS

To read the full statute, including exceptions, please [click here](#).



- (a) Except as provided in subsection (b) of this section, a driver of a motor vehicle shall not use a handheld wireless telephone for wireless interactive communication while operating a motor vehicle.
- (b) (1) A driver of a motor vehicle may use a handheld wireless telephone for wireless interactive communication in emergencies.
- (2) A person is exempt from the requirements of subsection (a) of this section if performing his or her official duties as a:
 - (A) Certified law enforcement officer;
 - (B) Firefighter;
 - (C) Ambulance driver; or
 - (D) Emergency medical technician.

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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

FLORIDA

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(a) A person may not operate a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data on such a device for the purpose of nonvoice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, and instant messaging. As used in this section, the term “wireless communications device” means any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service as defined in s. 812.15 and that allows

text communications. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

(b) Paragraph (a) does not apply to a motor vehicle operator who is:

1. Performing official duties as an operator of an authorized emergency vehicle as defined in s. 322.01, a law enforcement or fire service professional, or an emergency medical services professional.
2. Reporting an emergency or criminal or suspicious activity to law enforcement authorities.
3. Receiving messages that are:
 - a. Related to the operation or navigation of the motor vehicle;
 - b. Safety-related information, including emergency, traffic, or weather alerts;
 - c. Data used primarily by the motor vehicle; or
 - d. Radio broadcasts.
4. Using a device or system for navigation purposes.
5. Conducting wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols, except to activate, deactivate, or initiate a feature or function.

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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

GEORGIA

To read the full statute, including exceptions, please [click here](#).



(b)(1) No person who is 18 years of age or older or who has a Class C license shall operate a motor vehicle on any public road or highway of this state while using a wireless telecommunications device to write, send, or read any text based communication, including but not limited to a text message, instant message, e-mail, or Internet data.

(2) No person shall operate a commercial motor vehicle on any public road or highway of this state while:

(A) Holding a wireless telecommunications device to conduct a voice communication;

(B) Using more than a single button on a wireless telecommunications device to initiate or terminate a voice communication; or

(C) Reaching for a wireless telecommunications device in such a manner that requires the driver to maneuver so that he or she is no longer in a seated driving position properly restrained by a safety belt.

(c) The provisions of this Code section shall not apply to:

(1) A person reporting a traffic accident, medical emergency, fire, serious road hazard, or a situation in which the person reasonably believes a person's health or safety is in immediate jeopardy;

(2) A person reporting the perpetration or potential perpetration of a crime;

(3) A public utility employee or contractor acting within the scope of his or her employment when responding to a public utility emergency;

(4) A law enforcement officer, firefighter, emergency medical services personnel, ambulance driver, or other similarly employed public safety first responder during the performance of his or her official duties; or

(5) A person engaging in wireless communication while in a motor vehicle which is lawfully parked.

(d) Any conviction for a violation of the provisions of this Code section shall be a misdemeanor punishable by a fine of \$150.00. The provisions of Chapter 11 of Title 17 and any other provision of law to the contrary notwithstanding, the costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine for such offense be assessed against a person for conviction thereof. The court imposing such fine shall forward a record of the disposition to the Department of Driver Services. Any violation of this Code section shall constitute a separate offense.

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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

INDIANA

To read the full statute, including exceptions, please [click here](#).



Sec. 59. (a) A person may not use a telecommunications device to:

- (1) type a text message or an electronic mail message;
- (2) transmit a text message or an electronic mail message; or
- (3) read a text message or an electronic mail message;

while operating a moving motor vehicle unless the device is used in conjunction with hands free or voice operated technology, or unless the device is used to call 911 to report a bona fide emergency.

(b) A police officer may not, without the consent of the person:

- (1) confiscate a telecommunications device for the purpose of determining compliance with this section;
- (2) confiscate a telecommunications device and retain it as evidence pending trial for a violation of this section; or
- (3) extract or otherwise download information from a telecommunications device for a violation of this section unless:
 - (A) the police officer has probable cause to believe that the telecommunications device has been used in the commission of a crime;
 - (B) the information is extracted or otherwise downloaded under a valid search warrant; or
 - (C) otherwise authorized by law.

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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

IOWA

To read the full statute, including exceptions, please [click here](#).

1. A person shall not use a hand-held electronic communication device to write, send, or view an electronic message while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway.

a. A person does not violate this section by using a global positioning system or navigation system or when, for the purpose of engaging in a call, the person selects or enters a telephone number or name in a hand-held mobile telephone or activates, deactivates, or initiates a function of a hand-held mobile telephone.

b. The provisions of this subsection relating to writing, sending, or viewing an electronic message do not apply to the following persons:

- (1) A member of a public safety agency, as defined in section 34.1, performing official duties.
- (2) A health care professional in the course of an emergency situation.
- (3) A person receiving safety-related information including emergency, traffic, or weather alerts.

2. Nothing in this section shall be construed to authorize a peace officer to confiscate a hand-held electronic communication device from the driver or occupant of a motor vehicle.

3. a. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "I". b. A violation of this section shall not be considered a moving violation for purposes of this chapter or rules adopted pursuant to this chapter. 5. The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this section.

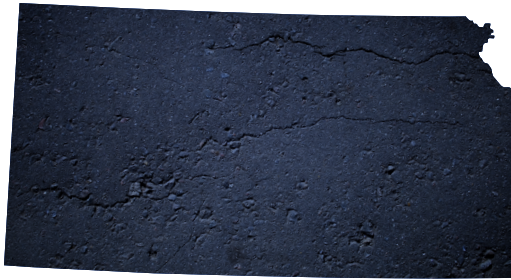
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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

KANSAS

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(b) Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication.

(c) The provisions of subsection (b) 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;

(2) a motor vehicle stopped off the regular traveled portion of the roadway;

(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;

(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.

(d) The provisions of subsection (b) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:

(1) Report current or ongoing illegal activity to law enforcement;

(2) prevent imminent injury to a person or property; or

(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.

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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

MICHIGAN

To read the full statute, including exceptions, please [click here](#).



(1) Except as otherwise provided in this section, a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a motor vehicle that is moving on a highway or street in this state. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the motor vehicle. This subsection does not apply to a person operating a commercial vehicle.

(2) Except as otherwise provided in this section, a person shall not read, manually type, or send a text message on a wireless 2-way communication device that is located in the person's hand or in the person's lap, including a wireless telephone used in cellular telephone service or personal communication service, while operating a commercial motor vehicle or a school bus on a highway or street in this state. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the commercial motor vehicle or school bus.

(3) Except as otherwise provided in this section, a person shall not use a hand-held mobile telephone to conduct a voice communication while operating a commercial motor vehicle or a school bus on a highway, including while temporarily stationary due to traffic, a traffic control device, or other momentary delays. This subsection does not apply if the operator of the commercial vehicle or school bus has moved the vehicle to the side of, or off, a highway and has stopped in a location where the vehicle can safely remain stationary. As used in this subsection, "mobile telephone" does not include a 2-way radio service or citizens band radio service. As used in this subsection, "use a hand-held mobile telephone" means 1 or more of the following:

- (a) Using at least 1 hand to hold a mobile telephone to conduct a voice communication.
- (b) Dialing or answering a mobile telephone by pressing more than a single button.
- (c) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt that is installed as required by 49 CFR 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

MINNESOTA



(a) Except as provided in subdivision 3, when a motor vehicle is in motion or a part of traffic, the person operating the vehicle upon a street or highway is prohibited from using a wireless communications device to:

- (1) initiate, compose, send, retrieve, or read an electronic message;
- (2) engage in a cellular phone call, including initiating a call, talking or listening, and participating in video calling; and
- (3) access the following types of content stored on the device: video content, audio content, images, games, or software applications.

(b) A person who violates paragraph (a) a second or subsequent time must pay a fine of \$275.

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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

MISSISSIPPI

To read the full statute, including exceptions, please [click here](#).



(2) An operator of a moving motor vehicle is prohibited from writing, sending, or reading a text message and from accessing, reading or posting to a social networking site using a hand-held mobile telephone while driving said motor vehicle.

(3) A violation of this section is a civil violation, and upon being found in violation, is punishable by a civil penalty of Twenty-five Dollars (\$25.00) for violations committed until July 1, 2016, and One Hundred Dollars (\$100.00) for violations committed from and after July 1, 2016. No state assessments shall be imposed or collected for a violation under this section.

(4) The Department of Public Safety shall keep and maintain records of citations issued under this section, including the age and race of the vehicle operator, whether there was an additional traffic violation by the vehicle operator, and whether there was a crash or any damage to a vehicle or passenger at the time of the citation.

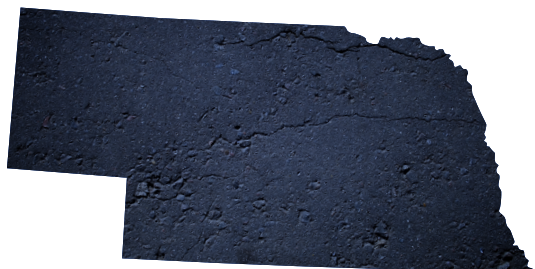
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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

NEBRASKA

To read the full statute, including exceptions, please [click here](#).



(1)(a) Except as otherwise provided in subdivision (1)(b) of this section, no operator of a commercial motor vehicle or a motor vehicle designed or used to transport between nine and fifteen passengers, including the driver, not for direct compensation, if the vehicle does not otherwise meet the definition of a commercial motor vehicle, shall engage in texting while driving such vehicle.

(b) Texting while driving is permissible by an operator of a commercial motor vehicle or a motor vehicle designed or used to transport between nine and fifteen passengers, including the driver, not for direct compensation, if the vehicle does not otherwise meet the definition of a commercial motor vehicle, when necessary to communicate with law enforcement officials or other emergency services.

(2)(a) Except as otherwise provided in subdivision (2)(b) of this section, no operator of a commercial motor vehicle or a motor vehicle designed or used to transport between nine and fifteen passengers, including the driver, not for direct compensation, if the vehicle does not otherwise meet the definition of a commercial motor vehicle, shall use a handheld mobile telephone while driving and no motor carrier shall allow or require its operators to use a handheld mobile telephone while driving such vehicle.

(b) Using a handheld mobile telephone is permissible by an operator of a commercial motor vehicle or a motor vehicle designed or used to transport between nine and fifteen passengers, including the driver, not for direct compensation, if the vehicle does not otherwise meet the definition of a commercial motor vehicle, when necessary to communicate with law enforcement officials or other emergency services.

(3)(a) Except as otherwise provided in subdivision (3)(b) of this section, no operator of a school bus shall engage in texting during school bus operations.

(b) Texting while driving is permissible by an operator of a school bus during school bus operations when necessary to communicate with law enforcement officials or other emergency services.

(4)(a) Except as otherwise provided in subdivision (4)(b) of this section, no operator of a school bus shall use a handheld mobile telephone during school bus operations.

(b) Using a handheld mobile telephone is permissible by an operator of a school bus during school bus operations when necessary to communicate with law enforcement officials or other emergency services.

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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

NORTH CAROLINA

To read the full statute, including exceptions, please [click here](#).

(a) Offense. - It shall be unlawful for any person to operate a vehicle on a public street or highway or public vehicular area while using a mobile telephone to:



(1) Manually enter multiple letters or text in the device as a means of communicating with another person; or

(2) Read any electronic mail or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information.

(a) Motor Carrier Offense. - It shall be unlawful for any person to operate a commercial motor vehicle subject to Part 390 or 392 of Title 49 of the Code of Federal Regulations on a public street or highway or public vehicular area while using a mobile telephone or other electronic device in violation of those Parts. Nothing in this subsection shall be construed to prohibit the use of hands-free technology.

(b) The provisions of this section shall not apply to:

(1) The operator of a vehicle that is lawfully parked or stopped.

(2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance.

(3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system.

(4) The use of voice operated technology.

(c) Penalty. - A violation of this section while operating a school bus, as defined in G.S. 20-137.4(a)(4), shall be a Class 2 misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100.00). Any other violation of this section shall be an infraction and shall be punishable by a fine of one hundred dollars (\$100.00) and the costs of court.

No drivers license points or insurance surcharge shall be assessed as a result of a violation of this section. Failure to comply with the provisions of this section shall not constitute negligence per se or contributory negligence per se by the operator in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a vehicle. (2009-135, s. 2; 2012-78, s. 9.)

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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

SOUTH CAROLINA

To read the full statute, including exceptions, please [click here](#).



It is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State.

This section does not apply to a person who is:

- (1) lawfully parked or stopped;
- (2) using a hands-free wireless electronic communication device;
- (3) summoning emergency assistance;
- (4) transmitting or receiving data as part of a digital dispatch system;
- (5) a public safety official while in the performance of the person's official duties; or
- (6) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information.

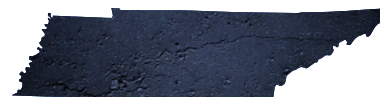
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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

TENNESSEE

To read the full statute, including exceptions, please [click here](#).



(I) A person, while operating a motor vehicle on any road or highway in this state, shall not:

(A) Physically hold or support, with any part of the person's body, a: (i) Wireless telecommunications device.

This subdivision (b)(1)(A)(i) does not prohibit a person eighteen (18) years of age or older from:

(a) Using an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication; or (b) Using only one (1) button on a wireless telecommunications device to initiate or terminate a voice communication; or (ii) Stand-alone electronic device;

(B) Write, send, or read any text-based communication, including, but not limited to, a text message, instant message, email, or internet data on a wireless telecommunications device or stand-alone electronic device.

This subdivision (b)(1)(B) does not apply to any person eighteen (18) years of age or older who uses such devices:

To automatically convert a voice-based communication to be sent as a message in a written form; or

(ii) For navigation of the motor vehicle through use of a device's global positioning system;

(C) Reach for a wireless telecommunications device or stand-alone electronic device in a manner that requires the driver to no longer be:

- (i) In a seated driving position; or
- (ii) Properly restrained by a safety belt;

(D) Watch a video or movie on a wireless telecommunications device or stand-alone electronic device other than viewing data related to the navigation of the motor vehicle; or

(E) Record or broadcast video on a wireless telecommunications device or stand-alone electronic device. This subdivision (b)(1) does not apply to electronic devices used for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle.

(2) Notwithstanding subdivisions (b)(1)(A) and (B), and in addition to the exceptions described in those subdivisions, a function or feature of a wireless telecommunications device or stand-alone electronic device may be activated or deactivated in a manner requiring the physical use of the driver's hand while the driver is operating a motor vehicle if:

(A) The wireless telecommunications device or stand-alone electronic device is mounted on the vehicle's windshield, dashboard, or center console in a manner that does not hinder the driver's view of the road; and

(B) The driver's hand is used to activate or deactivate a feature or function of the wireless telecommunications device or stand-alone electronic device with the motion of one (1) swipe or tap of the driver's finger, and does not activate camera, video, or gaming features or functions for viewing, recording, amusement, or other non-navigational functions, other than features or functions related to the transportation of persons or property for compensation or payment of a fee.

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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

UTAH

To read the full statute, including exceptions, please [click here](#).

(2) Except as provided in Subsection (3), a person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to manually:

(a) write, send, or read a written communication, including:

- (i) a text message;
- (ii) an instant message; or
- (iii) electronic mail;

(b) dial a phone number;

(c) access the Internet;

(d) view or record video; or

(e) enter data into a handheld wireless communication device.

(3) Subsection (2) does not prohibit a person from using a handheld wireless communication device while operating a moving motor vehicle:

(a) when using a handheld communication device for voice communication;

(b) to view a global positioning or navigation device or a global positioning or navigation application;

(c) during a medical emergency;

(d) when reporting a safety hazard or requesting assistance relating to a safety hazard;

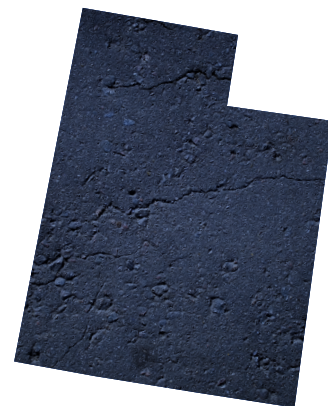
(e) when reporting criminal activity or requesting assistance relating to a criminal activity;

(f) when used by 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; or

(g) to operate:

(i) hands-free or voice operated technology; or

(ii) a system that is physically or electronically integrated into the motor vehicle.

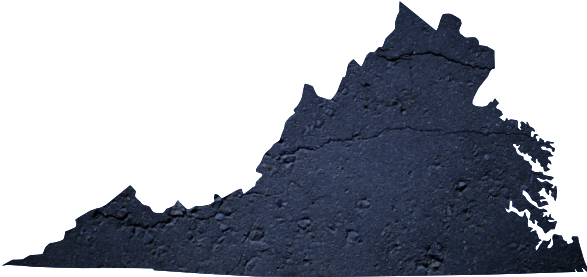


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KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

VIRGINIA

To read the full statute, including exceptions, please [click here](#).



- A. It is unlawful for any person to operate a moving motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to:
 - 1. Manually enter multiple letters or text in the device as a means of communicating with another person; or
 - 2. Read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored within the device nor to any caller identification information.
- B. It is unlawful for any person while driving a moving motor vehicle in a highway work zone to hold in his hand a handheld personal communications device.
- C. The provisions of this section shall not apply to:
 - 1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;
 - 2. An operator who is lawfully parked or stopped;
 - 3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; or
 - 4. Any person using a handheld personal communications device to report an emergency.
- D. A violation of subsection A is a traffic infraction punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250. A violation of subsection B is punishable by a mandatory fine of \$250.

This document is not intended to provide you with information that would substitute for legal advice and you should consult with a qualified advisor for such advice. In addition, nothing contained in this material is intended to represent Amerisure's interpretation or position with respect to any law or other regulation and may not include reference to all statutory text, applicable amendments, other laws, or local ordinances related to the law(s) referenced.



KNOW THE DISTRACTED DRIVING LAWS IN YOUR STATE

WISCONSIN

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No person while driving a motor vehicle may be engaged or occupied with an activity, other than driving the vehicle that interferes or reasonably appears to interfere with the person's ability to drive the vehicle safely.

- (a) No person may drive, as defined in s. 343.305 (1) (b), any motor vehicle while composing or sending an electronic text message or an electronic mail message.

This subsection does not apply to any of the following:

- 1. The operator of an authorized emergency vehicle.
- 2. The use of any device whose primary function is transmitting and receiving emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device.
- 3. An amateur radio operator who holds a valid amateur radio operator's license issued by the federal communications commission when he or she is using dedicated amateur radio 2-way radio communication equipment and observing proper amateur radio operating procedures.

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4. The use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

- (a) Subject to sub. (3), no person who holds a probationary license issued under s. 343.085, or an instruction permit issued under s. 343.07, may drive, as defined in s. 343.305 (1) (b), any motor vehicle while using a cellular or other wireless telephone, except to report an emergency.

No person may drive, as defined in s. 343.305 (1) (b), any motor vehicle while using a cellular or other wireless telephone, including using the telephone for a purpose other than communication, where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic, except to report an emergency.

- (a) This subsection does not apply to the use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.
- (b) Subject to subs. (3) and (6), no person while driving a motor vehicle, other than an authorized emergency vehicle, a commercial motor vehicle described in s. 340.01 (8), or a tow truck, may operate or be in a position to directly observe any electronic device located within the vehicle that is activated and that is providing entertainment primarily by visual means.
- (c) This subsection does not prohibit a person from using a cellular telephone for purposes of verbal communication.