



Beginning July 1st, 2020, it will be illegal to hold a handheld personal communications device (e.g., a smart phone) while driving a moving motor vehicle on the highways in Virginia. The new law will not be effective until January 1st, 2021, to allow for educating the public about its provisions.

There Are Some Exceptions

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. Any person using a handheld personal communications device to report an emergency;
4. The use of an amateur or a citizens band radio; or
5. The operator of any Department of Transportation vehicle or vehicle operated pursuant to the Department of Transportation safety service patrol program or pursuant to a contract with the Department of Transportation for, or that includes, traffic incident management services as defined in subsection B of § 46.2-920.1 during the performance of traffic incident management services.

Violating the law is punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250. Breaking the law in a highway work zone is punishable by a mandatory \$250 fine.

Why Distracted Driving is a Problem

- The National Highway Traffic Safety Administration identified distracted driving as “a crisis that needs to be addressed now.”
- Advocates for Highway and Auto Safety found Virginia to be one of 11 states considered “dangerously behind” in driving safety laws.
- 80% of all crashes and 65% of all near crashes involve driver inattention within 3 seconds of the crash. (Virginia Tech)

- Virginia drivers observed in a 2018 Insurance Institute for Highway Safety roadside survey were 57% more likely to be manipulating a cellphone than drivers in a 2014 survey.
- Texting (in essence manipulating a phone) while driving increases your crash risk by 2300%, because it involves all THREE kinds of distraction – manual, visual and cognitive. It is by far the most egregious form of distracted driving.
- In a Liberty Mutual survey, 80% of teens reported that they viewed APP use while driving as “not distracting.” (Liberty Mutual Research Institute for Safety)
- Motorists with smart phones use hand-held devices in 88 out of every 100 trips. Therefore, Zendrive estimates that there are about 600 million trips involving distracted driving in the US every day. (Zendrive)
- Virginia DMV:
 - 15% of all fatal crashes were distraction-related in 2018. This number is likely understated as distraction is sometimes difficult to measure in the event of a fatality.
 - Total distracted driving fatalities, top jurisdictions (starting with worst): Prince William County, Fairfax County, Fauquier County, Hanover County, Spotsylvania County, Stafford County, Richmond City, Chesapeake City, Virginia Beach City
 - Per Capita distracted driving fatalities, top jurisdictions (starting with worst): Nottoway County, Brunswick County, Page County, King and Queen County, Rockbridge County, Charles City County, Greenville County, Goochland County, Caroline County, Prince George County
 - Total distracted driving injury crashes, top jurisdictions (starting with worst): Fairfax County, Prince William County, Virginia Beach City, Hampton City, Newport News City, Loudoun County, Richmond City, Henrico County, Chesterfield County, Chesapeake City
 - Per capita distracted driving injury crashes, top jurisdictions (starting with worst): Emporia City, Greenville County, Fredericksburg City, Petersburg City, Hampton City, Lynchburg City, Montgomery County, Hopewell City, Newport News City, Tazewell County

F.A.Q

Q: *If it's illegal to hold a phone while driving, why do I see people doing it all the time? Why aren't the police stopping drivers?*

A: The new law becomes effective January 1st, 2021, to allow an education period for drivers to learn about the law. After the effective date, police will begin enforcing the law.

Q: *How will drivers learn about the new law?*

A: This web page is part of the answer. The General Assembly mandated that traffic safety organizations like DRIVE SMART Virginia shall develop and provide educational materials to the public regarding the provisions of this act prior to its effective date. Messaging through social and digital media, publications, news stories and columns, and public service announcements will carry educational messaging.

Q: *Can I hold my cellphone in my hand while driving?*

A: It is illegal for a driver to operate a motor vehicle while holding a cellphone or mobile device.

Q: *Can I talk on my cellphone while driving?*

A: Yes. But you may not hold the phone.

Q: *What strategies have been adopted to ensure that the law will be fairly enforced?*

A:

- The Virginia Association of Chiefs of Police and DRIVE SMART Virginia shall create training and educational materials on the implementation and enforcement of this act to be made available to law-enforcement agencies.
- DRIVE SMART Virginia and other traffic safety organizations shall develop and provide educational materials to the public regarding the provisions of this act prior to its effective date.
- The Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice shall annually request the Office of the Executive Secretary to report all of the citations issued pursuant to the provisions of this act and, to the extent available, the relevant demographic characteristics of those persons issued a citation.

To order FREE* educational materials related to the new handheld device law, visit our [online store](#).

*Virginia residents only

From: <https://www.drivesmartva.org/current-projects/phone-down-its-the-law/>