



STATE OF DELAWARE
OFFICE OF HIGHWAY SAFETY
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Delaware Cell Phone Law - Frequently Asked Questions

On January 2, 2011, Delaware will join 29 other states in restricting the use of hand-held cell phones and other devices that pose a distraction while driving. Here are the most frequently asked questions about the law:

Q: What do I need to know about the new law?

A: This law bans texting while driving as well as ban the use of hand held cell phones – meaning a hands free device would be required to talk on a cell phone while driving. However, drivers will be allowed to pick up the phone to dial a phone number or to activate or deactivate their wireless equipment...then they must put the phone down.

Q: Are there any other components of the law that I should know about?

A: It also bans the use of pagers, PDA's, blackberry's etc, laptops, games or portable computers, and two way communication devices while driving

Q: What if I receive a text message while I am driving?

A: Drivers cannot read, write, send messages or browse wirelessly while driving. If you need to respond immediately, find a safe place to pull over or ask a passenger to assist you.

Q: Can I get pulled over if a police officer sees me? Will I get points on my license?

A: Yes. It is a primary offense, and a civil penalty. No points are assessed.

Q: What are the fines if I am caught talking or texting?

A: The fine for the first offense is \$50.00 and subsequent penalties are for between \$100 and \$200 dollars.

Q: Who is exempt under the law?

A: The following people are exempt:

- Law enforcement, Firefighters, EMS technicians, or other operators of authorized emergency vehicles in the performance of their official duties
- Anyone reporting an emergency
- Exempts a person driving or operating a farm tractor, non-registered farm truck or farm equipment
- HAM radio operators
- Business or government employees who use a two way radio mounted or attached to a motor vehicle to communicate with a central dispatch, base of operation or with other employees (i.e.: utility companies and DelDOT)