

## Distracted Driving: Texting and Sending or Receiving Other Electronic Messages

### *Is texting while driving illegal under Minnesota law?*

Composing, reading, or sending an electronic message while driving is a petty misdemeanor under Minnesota law.

The law prohibits actions that require typing or reading from a phone, tablet, laptop, or similar device. Electronic messages include texts, e-mails, instant messages, accessing the Internet, and any similar actions.

It is *not* a violation to:

- use a phone or other device in a hands-free mode;
- make a cellular phone call;
- obtain emergency assistance for an accident or medical emergency, or to prevent a crime that is about to be committed; or
- send or read an electronic message in the reasonable belief that a person's life or safety is in immediate danger.

It is also not a violation for the driver of an authorized emergency vehicle to send or read an electronic message while driving as part of official duties. [Minn. Stat. § 169.475](#).

### *What is the penalty for texting while driving?*

Violation of the texting while driving law can be punished by a fine. The law allows the Judicial Council to set the amount of that fine; the current fine for a first offense is \$50.

A second offense must add \$225 to the amount of the fine for a first offense. At this time, a second offense would result in a fine of \$275. Tickets for texting while driving are also subject to the surcharge on all criminal and traffic offenses, which increases the amount an offender must pay by at least \$75.

Payable offenses are not technically crimes under Minnesota law and do not require a court appearance. A person receiving a ticket may pay the citation online. Failure to pay a fine can result in the suspension of a driver's license.

### *What if a person causes an accident while texting?*

If texting results in some other dangerous driving conduct, prosecutors can charge a person with a more serious crime. Under certain circumstances, composing or reading an electronic message while driving may be so likely to endanger another person that it would rise to the level of careless or reckless driving.

Driving a vehicle carelessly in a manner likely to endanger another person is careless driving. Driving while aware of a substantial risk to another's safety and in disregard of that risk is reckless driving. Both careless driving and reckless driving are misdemeanors, which can be punished by up to 90 days in jail, a \$1,000

fine, or both. If a person driving recklessly causes the death of another, the penalty increases to a gross misdemeanor, which can be punished by up to a year in jail, a \$3,000 fine, or both. [Minn. Stat. § 169.13](#).

***What are the laws and penalties in other states?***

Currently, 46 states ban texting while driving and 14 ban talking on a hand-held cell phone.

In every state that bans texting, the initial penalty is a fine. Fines for a first violation range from \$20 to \$500 and, like Minnesota, most states include an escalated penalty for subsequent violations. A few states also suspend a violator's license.

Five states (Alaska, Illinois, Maryland, Pennsylvania, and Utah) explicitly state that a person who is texting and causes an accident resulting in serious injury or death is guilty of a criminal offense that can be punished with jail or prison.

***Does making texting while driving illegal reduce the number of crashes?***

There is no clear answer to this question. Several studies have addressed whether banning texting while driving reduces accidents, and the results are inconclusive.

The Highway Loss Data Institute conducted studies in 2009, 2010, and 2013, and those studies found that there was no reduction in crashes after laws banning texting went into effect. High visibility enforcement efforts did reduce the number of drivers using hand-held cell phones. However, the program did not reduce the total number of accidents.

Other studies have produced inconclusive results. A 2014 article attempted to coordinate data from 11 different studies. It concluded that bans on hand-held phone conversations resulted in reductions of hand-held phone use. But the study also found that there was no clear answer as to whether laws banning texting while driving were effective in reducing crashes. (A. T. McCartt, D. G. Kidd, and E. R. Teoh, "Driver Cellphone and Texting Bans in the United States: Evidence of Effectiveness," *Annals of Advances in Automotive Medicine*, 58 (2014): 99–114.)

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