

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 43 (Delegate Arnick)

Commerce and Government Matters

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Vehicle Laws - Use of Hand-Held Telephone While Driving - Prohibition

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This bill prohibits a driver of a motor vehicle from operating a hand-held telephone while the vehicle is in motion.

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Fiscal Summary

**State Effect:** Minimal general fund revenue increase from the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine). Enforcement could be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** There are no provisions in the Motor Vehicle Law governing the use of cellular phones while driving.

**Background:** There are an estimated 80 million cellular phone users nationwide and 2.1 million in Maryland. Studies show that approximately 85% of cellular phone users use their phones at least occasionally while driving. An estimated 27% of such individuals use their phones during at least half of their vehicle trips. Studies seem to indicate that cellular phones are a growing factor in vehicle crashes. However, the studies are inconclusive as to the magnitude of the problem because “driver inattention,” often cited as the cause of an accident, may or may not involve cellular phones. Only Oklahoma and Minnesota require police to specifically cite cellular phones as factors in crashes as appropriate. Also, studies

that test driver skills have noted that cellular phones can impair a driver's ability to judge safe stopping distances or to anticipate hazards.

No states currently have laws banning the use of cellular phones while driving, although 22 states have considered such legislation in the past four years. The town of Brooklyn, Ohio passed an ordinance prohibiting the use of hand-held cell phones while operating a motor vehicle. Violators are subject to a maximum fine of \$100. Additionally, England, Brazil, and Singapore allow drivers to use only hands-free cellular phones while driving.

Minor restrictions on cellular phone use have been imposed in a few states. California requires rental cars that are equipped with cellular phones to include instructions on safe usage of such phones. Florida allows cellular phone use while driving as long as the operator can hear surrounding sounds through one ear. Massachusetts requires that drivers keep at least one hand on the steering wheel at all times while operating a cellular phone.

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### **Additional Information**

**Prior Introductions:** A similar bill was introduced in the 1999 session as HB 37 and received an unfavorable report from the House Commerce and Government Matters Committee.

**Cross File:** None.

**Information Source(s):** Maryland State Police, Maryland Department of Transportation (Motor Vehicle Administration), National Highway Traffic Safety Administration, National Conference of State Legislatures, Department of Legislative Services

**Fiscal Note History:** First Reader - January 19, 2000  
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