

HOUSE BILL 31

Unofficial Copy  
R5  
HB 89/01 - CGM

2002 Regular Session  
2lr0382

(PRE-FILED)

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By: **Delegates Arnick, Mandel, Dypski, and Pitkin**

Requested: August 28, 2001

Introduced and read first time: January 9, 2002

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of prohibiting the driver of a motor vehicle that is in motion from  
4 using a telephone that is held by the driver; providing certain exceptions;  
5 providing a penalty for the use of a telephone under prohibited circumstances;  
6 and generally relating to prohibiting the driver of a motor vehicle from using a  
7 hand-held telephone while the vehicle is in motion.

8 BY adding to  
9 Article - Transportation  
10 Section 21-1123  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2001 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article - Transportation  
15 Section 27-101(a) and (b)  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2001 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Transportation**

21 21-1123.

22 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A DRIVER OF  
23 A MOTOR VEHICLE THAT IS IN MOTION MAY NOT OPERATE A TELEPHONE THAT IS  
24 HELD BY THE DRIVER WHILE IN USE.

25 (B) THIS SECTION DOES NOT APPLY TO:

1 (1) A DRIVER CALLING THE 911 EMERGENCY TELEPHONE SYSTEM OR A  
2 PUBLIC SAFETY AGENCY IN CONNECTION WITH AN EMERGENCY;

3 (2) AN EMPLOYEE OF AN ELECTRIC COMPANY, GAS COMPANY, OR  
4 TELEPHONE COMPANY, AS DEFINED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES  
5 ARTICLE, IN CONNECTION WITH EMERGENCY COMMUNICATIONS; OR

6 (3) AN OPERATOR OF AN EMERGENCY VEHICLE WHILE ACTING IN AN  
7 OFFICIAL CAPACITY.

8 27-101.

9 (a) It is a misdemeanor for any person to violate any of the provisions of the  
10 Maryland Vehicle Law unless the violation:

11 (1) Is declared to be a felony by the Maryland Vehicle Law or by any  
12 other law of this State; or

13 (2) Is punishable by a civil penalty under the applicable provision of the  
14 Maryland Vehicle Law.

15 (b) Except as otherwise provided in this section, any person convicted of a  
16 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is  
17 subject to a fine of not more than \$500.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2002.