

(PRE-FILED)

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By: **Delegate Arnick**  
 Requested: July 28, 2004  
 Introduced and read first time: January 12, 2005  
 Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Distracted Driving and Use of Wireless Communication**  
 3 **Devices While Driving - Prohibitions**

4 FOR the purpose of providing that a person is guilty of distracted driving if the person  
 5 drives a motor vehicle in an inattentive manner under certain circumstances;  
 6 prohibiting the driver of a motor vehicle that is in motion from using the driver's  
 7 hands to use certain interactive wireless communication devices; prohibiting a  
 8 driver of a school vehicle that is carrying passengers and is in motion from using  
 9 certain interactive wireless communication devices; prohibiting the holder of a  
 10 learner's instructional permit from driving a motor vehicle while using certain  
 11 interactive wireless communication devices; providing for exceptions to the  
 12 prohibitions of this Act; defining a certain term; and generally relating to  
 13 distracted driving and prohibitions against the use of interactive wireless  
 14 communication devices while operating a motor vehicle.

15 BY repealing and reenacting, with amendments,  
 16 Article - Transportation  
 17 Section 21-901.1  
 18 Annotated Code of Maryland  
 19 (2002 Replacement Volume and 2004 Supplement)

20 BY adding to  
 21 Article - Transportation  
 22 Section 21-1123  
 23 Annotated Code of Maryland  
 24 (2002 Replacement Volume and 2004 Supplement)

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

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**Article - Transportation**

2 21-901.1.

3 (a) A person is guilty of reckless driving if [he] THE PERSON drives a motor  
4 vehicle:

5 (1) In wanton or willful disregard for the safety of persons or property; or

6 (2) In a manner that indicates a wanton or willful disregard for the  
7 safety of persons or property.

8 (b) A person is guilty of negligent driving if [he] THE PERSON drives a motor  
9 vehicle in a careless or imprudent manner that endangers any property or the life or  
10 person of any individual.

11 (C) A PERSON IS GUILTY OF DISTRACTED DRIVING IF THE PERSON DRIVES A  
12 MOTOR VEHICLE IN AN INATTENTIVE MANNER RESULTING IN THE UNSAFE  
13 OPERATION OF THE MOTOR VEHICLE, WHERE THE INATTENTION IS CAUSED BY THE  
14 PERSON'S READING, WRITING, PERFORMING PERSONAL GROOMING, INTERACTING  
15 WITH PET ANIMALS, ADJUSTING CARGO, OR ENGAGING IN ANY OTHER ACTIVITY  
16 THAT DISTRACTS THE PERSON'S ATTENTION.

17 21-1123.

18 (A) IN THIS SECTION, "INTERACTIVE WIRELESS COMMUNICATION DEVICE"  
19 MEANS ANY WIRELESS ELECTRONIC COMMUNICATION DEVICE THAT PROVIDES FOR  
20 VOICE OR DATA COMMUNICATION BETWEEN TWO OR MORE PARTIES, INCLUDING A  
21 MOBILE OR CELLULAR TELEPHONE, A TEXT MESSAGING DEVICE, A PERSONAL  
22 DIGITAL ASSISTANT THAT SENDS OR RECEIVES MESSAGES, OR A LAPTOP COMPUTER.

23 (B) THIS SECTION DOES NOT APPLY TO:

24 (1) EMERGENCY USE OF AN INTERACTIVE WIRELESS COMMUNICATION  
25 DEVICE; OR

26 (2) ACTIVATION OR DEACTIVATION OF AN INTERACTIVE WIRELESS  
27 COMMUNICATION DEVICE.

28 (C) A DRIVER OF A MOTOR VEHICLE THAT IS IN MOTION MAY NOT USE THE  
29 DRIVER'S HANDS TO USE AN INTERACTIVE WIRELESS COMMUNICATION DEVICE.

30 (D) A DRIVER OF A CLASS H (SCHOOL) VEHICLE THAT IS CARRYING  
31 PASSENGERS AND IS IN MOTION MAY NOT USE AN INTERACTIVE WIRELESS  
32 COMMUNICATION DEVICE.

33 (E) A HOLDER OF A LEARNER'S INSTRUCTIONAL PERMIT ISSUED UNDER §  
34 16-105 OF THIS ARTICLE MAY NOT DRIVE A MOTOR VEHICLE WHILE USING AN  
35 INTERACTIVE WIRELESS COMMUNICATION DEVICE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect October 1, 2005.