

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

House Bill 45 (Delegate Arnick)  
Environmental Matters

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

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This bill prohibits the driver of a motor vehicle from engaging in distracted driving. The bill also restricts the use of interactive wireless devices by drivers of moving vehicles.

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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). The increase in the District Court caseload is expected to be minimal and could be handled with existing resources.

**Local Effect:** Enforcement could be handled with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** This bill provides that a person is guilty of “distracted driving” if the person drives a motor vehicle in an inattentive manner that results in the unsafe operation of the vehicle. Distracting activities include reading, writing, personal grooming, interacting with pets, adjusting cargo, or any other activity that distracts the driver’s attention.

An “interactive wireless communication device” is any wireless, electronic communications device that provides for voice or data communication between two or

more parties. This includes a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends and receives messages, or a laptop computer.

A driver of a motor vehicle in motion may not use his/her hands to use an interactive wireless communication device. A driver of a school vehicle in motion carrying passengers may not use an interactive wireless communication device. A holder of a learner's permit may not use any interactive wireless communication device while driving a motor vehicle. These provisions do not apply to the activation or deactivation of an interactive wireless communication device or the emergency use of an interactive wireless communication device.

A person who violates the bill's provisions is guilty of a misdemeanor and is subject to a maximum fine of \$500.

**Current Law:** There are no restrictions in the Maryland Vehicle Law governing the use of hand-held telephones or electronic devices while driving, nor are there any provisions restricting or prohibiting driving while distracted. However, a person is deemed guilty of negligent driving if the person drives in a careless or imprudent manner that endangers property or human life. A negligent driving violation requires the assessment of one point against the driving record and is a misdemeanor subject to a maximum fine of \$500. The fine currently assessed by the District Court for this offense is \$275.

**Background:** The use of telephones while driving and the impact of other distractions on drivers has been a major issue for the past several years. In addition to telephones, some cars now come equipped with on-board navigation systems, DVD players, and television monitors, all competing to divert the driver's attention away from the road. Nationwide, the National Highway Transportation Safety Administration has estimated that 25% to 30% of motor vehicle crashes (about 1.2 million accidents) are caused by driver distraction.

One of the persistent issues with regulating driver distraction or the use of interactive devices in motor vehicles is the absence of consistent findings or reliable statistics. Studies published in recent years by the New England Journal of Medicine, the Harvard Center for Risk Analysis, and the University of North Carolina Research Center, among others, have proven to be inconclusive. Preliminary results from a University of North Carolina study indicated that telephone use is only the eighth most distracting activity that drivers engage in, with distraction from activities like changing radio stations and eating more prevalent.

New Hampshire is the only state that has enacted legislation holding drivers accountable for all distractions that lead to vehicle accidents. New York, New Jersey, and the District

of Columbia have enacted legislation prohibiting driving with a hand-held mobile phone. California joined Louisiana, New York, and West Virginia by enacting legislation in 2003 that prohibits a person from driving a motor vehicle if a video screen or monitor is operating and located forward of the driver's seat. In 2004, Alabama, California, Connecticut, Georgia, Idaho, Maryland, New York, Rhode Island, and Wisconsin all considered legislation that would have created an offense for one or more aspects of distracted driving. According to the National Conference of State Legislatures, every state and the District of Columbia has considered legislation in this area during the last three years.

The National Transportation Safety Board recently recommended that all states and the District of Columbia collect data related to wireless phone use or distracted driving. To date, 17 states, including Maryland, have passed legislation to mandate this type of data collection. According to the *Maryland Automated Accident Report*, during calendar 2003, there were 68,448 accidents where a contributing factor was that the driver "failed to give full attention." There were 226 accidents in which a contributing factor was cell phone use during the same period. A total of 208,607 traffic accidents were reported in Maryland during calendar 2003.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), AAA Foundation for Traffic Safety, Insurance Information Institute, National Highway Traffic Safety Administration, National Conference of State Legislatures, Department of Legislative Services

**Fiscal Note History:** First Reader - January 21, 2005  
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