

SENATE BILL 348

R5

4lr2227
CF 4lr1174

By: **Senator Manno**

Introduced and read first time: January 22, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Texting While Driving – Accidents Resulting in Death or Serious Injury –**
3 **Penalties**

4 FOR the purpose of prohibiting a person from committing a violation of a certain
5 prohibition against using a text messaging device while driving that contributes
6 to an accident that results in the death or serious bodily injury of another;
7 requiring a person who is involved in a motor vehicle accident that results in
8 the death of or a life threatening injury to another person and who is detained
9 by a police officer who has reasonable grounds to believe that the person has
10 been driving while using a text messaging device in violation of a certain
11 provision of law to allow the officer to inspect the device and to provide the
12 officer with certain information regarding the device; establishing certain
13 criminal penalties for a certain violation of this Act; providing for the
14 assessment of certain points for a violation of a certain provision of this Act; and
15 generally relating to the prohibition on using a text messaging device while
16 driving.

17 BY adding to
18 Article – Transportation
19 Section 16–402(a)(39) and 27–115
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2013 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Transportation
24 Section 21–1124.1
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Transportation**

2 16–402.

3 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
4 2–209, or § 3–211 of the Criminal Law Article, or of the vehicle laws or regulations of
5 this State or of any local authority, points shall be assessed against the individual as
6 of the date of violation and as follows:

7 **(39) A VIOLATION OF § 21–1124.1(B)(2) OF THIS**
8 **ARTICLE 12 POINTS**

9 21–1124.1.

10 (a) (1) In this section the following words have the meanings indicated.

11 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public
12 Safety Article.

13 (3) “Text messaging device” means a handheld device used to send a
14 text message or an electronic message via a short message service, wireless telephone
15 service, or electronic communication network.

16 (b) (1) Subject to subsection (c) of this section, an individual may not use
17 a text messaging device to write, send, or read a text message or an electronic message
18 while operating a motor vehicle in the travel portion of the roadway.

19 **(2) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1)**
20 **OF THIS SUBSECTION THAT CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN**
21 **THE DEATH OR, AS DEFINED IN § 27–113 OF THIS ARTICLE, SERIOUS BODILY**
22 **INJURY OF ANOTHER.**

23 (c) This section does not apply to the use of:

24 (1) A global positioning system; or

25 (2) A text messaging device to contact a 9–1–1 system.

26 (d) (1) If the Administration receives satisfactory evidence that an
27 individual who is under the age of 18 years has violated this section, the
28 Administration:

29 (i) May suspend the individual’s driver’s license for not more
30 than 90 days; and

1 (ii) May issue a restricted license for the period of suspension
2 that is limited to driving a motor vehicle:

- 3 1. In the course of the individual's employment;
4 2. For the purpose of driving to or from a place of
5 employment; or
6 3. For the purpose of driving to or from school.

7 (2) An individual may request a hearing as provided for a suspension
8 or revocation under Title 12, Subtitle 2 of this article.

9 (E) IF A PERSON IS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT
10 RESULTS IN THE DEATH OF OR A LIFE THREATENING INJURY TO ANOTHER
11 PERSON AND THE PERSON IS DETAINED BY A POLICE OFFICER WHO HAS
12 REASONABLE GROUNDS TO BELIEVE THAT THE PERSON HAS BEEN DRIVING
13 WHILE USING A TEXT MESSAGING DEVICE IN VIOLATION OF THIS SECTION, THE
14 PERSON SHALL ALLOW THE OFFICER TO INSPECT THE DEVICE AND SHALL
15 PROVIDE THE OFFICER WITH THE FOLLOWING INFORMATION REGARDING THE
16 DEVICE:

- 17 (1) THE CELL PHONE NUMBER ASSOCIATED WITH THE DEVICE;
18 (2) THE IDENTITY OF THE SERVICE CARRIER FOR THE DEVICE;
19 AND
20 (3) ANY ELECTRONIC MAIL ADDRESS ASSOCIATED WITH THE
21 DEVICE.

22 **27-115.**

23 A PERSON WHO VIOLATES § 21-1124.1(B)(2) OF THIS ARTICLE IS GUILTY
24 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR
25 NOT MORE THAN 3 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2014.