

SENATE BILL 348

R5

4r2227
CF HB 1212

By: **Senator Manno**

Introduced and read first time: January 22, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 14, 2014

CHAPTER _____

1 AN ACT concerning

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

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

20 BY adding to

21 Article – Transportation
22 Section 16–402(a)(39) and 27–115
23 Annotated Code of Maryland
24 (2012 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Transportation
 3 Section 21–1124.1
 4 Annotated Code of Maryland
 5 (2012 Replacement Volume and 2013 Supplement)

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

8 **Article – Transportation**

9 16–402.

10 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
 11 2–209, or § 3–211 of the Criminal Law Article, or of the vehicle laws or regulations of
 12 this State or of any local authority, points shall be assessed against the individual as
 13 of the date of violation and as follows:

14 **(39) A VIOLATION OF § 21–1124.1(B)(2) OF THIS**
 15 **ARTICLE.....12 POINTS**

16 21–1124.1.

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

18 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public
 19 Safety Article.

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

23 (b) (1) Subject to subsection (c) of this section, an individual may not use
 24 **THE INDIVIDUAL’S HANDS TO USE** a text messaging device to write, send, or read a
 25 text message or an electronic message while operating a motor vehicle in the travel
 26 portion of the roadway.

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

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

32 (1) A global positioning system; or

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

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

5 (i) May suspend the individual's driver's license for not more
6 than 90 days; and

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

- 9 1. In the course of the individual's employment;
- 10 2. For the purpose of driving to or from a place of
11 employment; or
- 12 3. For the purpose of driving to or from school.

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

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

23 ~~(1) THE CELL PHONE NUMBER ASSOCIATED WITH THE DEVICE;~~

24 ~~(2) THE IDENTITY OF THE SERVICE CARRIER FOR THE DEVICE;~~

25 ~~AND~~

26 ~~(3) ANY ELECTRONIC MAIL ADDRESS ASSOCIATED WITH THE~~
27 ~~DEVICE.~~

28 27-115.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.