

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE

House Bill 476

(Delegate Kramer, *et al.*)

Environment and Transportation

Judicial Proceedings

Motor Vehicles - Wearable Computer With Head-Mounted Display - Prohibited

This bill prohibits a person from operating a motor vehicle on a highway while wearing or using a wearable computer with a head-mounted display. For purposes of the bill, a “wearable computer with a head-mounted display” is a computer device that is worn on an individual’s head and projects visual information into the field of vision of the individual wearing the device. A violation is a misdemeanor and is subject to a maximum fine of \$500.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill’s penalty. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: No State law specifically prohibits the wearing of a head-mounted optical computer device while driving.

Video Displays: The Maryland Vehicle Law prohibits the use of television-type receiving or video display equipment that is turned on and displaying an image visible to the driver while driving. The prohibition does not apply to the use of such equipment in conjunction

with (1) a vehicle navigation system; (2) broadcast and satellite radio system graphics; or (3) the display of information or images related to the operation of a motor vehicle.

“Video display equipment” is defined to mean equipment capable of displaying a dynamic visual image, other than text, from a digital video disc or other storage device. Accordingly, except as otherwise provided, a motor vehicle driven on a highway in Maryland may be equipped with video display equipment only if the video display equipment is turned off when the screen is visible to the driver. This restriction does not apply to video display equipment on a vehicle used by a public service company.

A violation of this provision is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$60. If the violation contributes to an accident, the prepayment penalty increases to \$100. The Motor Vehicle Administration (MVA) is required to assess one point against the driver’s license for a violation, or three points if the violation contributes to an accident. The District Court advises that, in fiscal 2014, a total of four citations were issued for driving with operational video or electronic display equipment. Of those citations, three were prepaid, and one remained open.

Wireless Devices: A “wireless communication device” means a handheld or hands-free device used to access a wireless telephone service or a text messaging device.

Except to contact a 9-1-1 system in an emergency, a minor is prohibited from using a wireless communication device while operating a motor vehicle. A violator is subject to license suspension for up to 90 days by MVA.

A violation of this provision is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty established by the District Court for this offense is \$70. If the violation contributes to an accident, the prepayment penalty increases to \$110. MVA is required to assess one point against the driver’s license for a violation, or three points if the violation contributes to an accident. The District Court advises that 12 citations were issued for this offense in fiscal 2014, when the offense became subject to primary enforcement (the offense became subject to primary enforcement as of October 1, 2013). Of the 12 citations, 5 were disposed of with the prepayment penalty, 3 went to trial, and 4 remained open.

Negligent Driving: While no State statutory provision specifically prohibits driving with a “wearable, head-mounted computer display,” a person is deemed guilty of negligent driving if the person drives in a careless or imprudent manner that endangers human life or property. 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 prepayment penalty assessed by the District Court for this offense is \$140. If the offense contributes to

an accident, the prepayment penalty increases to \$280, and three points must be assessed against the driver's license. During fiscal 2014, the District Court processed 24,272 citations for negligent driving. Of these, 2,587 citations were disposed of by prepaying the penalty, 13,705 went to trial, and 7,980 remained open.

Background:

Google Glass Development: Although not the first of its kind, the most well-known wearable, head-mounted computer display is known as "Google Glass." The optical, head-mounted display, which looks like a pair of eyeglasses, was under development by the Project Glass research and development project, a part of the Google Corporation. At first, the device had been distributed, on a limited basis, to people who participated in the Google "Explorer" project. Google "explorers" applied in 2013 to purchase the device, which costs \$1,500, by submitting a post through the social sites "Google+" or "Twitter" with unique ideas on how Google Glass could be used to enhance creativity and productivity. The device became available to the public in 2014, also at a cost of \$1,500. In January 2015, Google halted sales of the device (the device is still readily available through sale and auction sites such as Craig's List and E-Bay). Google has stated that the Glass project has transitioned from the experimental phase to a further development phase. While Google has alluded that the device is undergoing redesign, no date for availability in the consumer market has been set.

The device beams data (text, photos, or video) into the user's field of vision with a liquid crystal on silicon, field-sequential color, LED-illuminated display. It receives data through a wireless local area network (also known as Wi-Fi) or it can connect through "bluetooth" technology (a standard for short-range wireless interconnection of cellphones, computers, speakers, and other electronic devices) that can share data with a smartphone or tablet. Through bluetooth technology, Google Glass can access global positioning system data, text messaging, and voice calling functions. Users issue voice commands by saying "ok glass," then issuing a natural language command, or the user can scroll through available options by using a finger pressed against a touchpad on the side of the device.

Safety Issues: Many people have raised safety concerns about the use of Google Glass, especially while driving. In October 2013, a woman was arrested in San Diego, California for driving with Google Glass after being pulled over for speeding. The woman contested the citation, and the judge overturned it due to lack of proof that the device was actually on while the woman was driving.

According to technology news sources, other states that have considered prohibiting the use while driving of wearable head-mounted computer devices like Google Glass are Delaware, Illinois, Missouri, New Jersey, New York, West Virginia, and Wyoming.

Other Wearable Technology: There has been some speculation by technology media commentators that the idea of a head-mounted display has been eclipsed by the explosion in development of “wearable” technology, which has generally focused on devices worn on the wrist. Devices known as “smartwatches” (on the Android platform) and exercise trackers (such as the popular “FitBit”) are iterating quickly with the goal of providing much of the same information to users that was available on the Google Glass device. The Apple Corporation announced in 2014 that it plans to bring a smartwatch device to market by spring 2015. No State law specifically addresses the potential for distracted driving that may be caused by these devices as they provide more notifications to drivers about texts, emails, phone calls, and other information.

Maryland Enforcement of Distracted Driving Laws: **Exhibit 1** shows an overview of Maryland enforcement of offenses involving distracted driving and electronic devices during fiscal 2013, when some devices involving handheld phones were subject to secondary enforcement only, and fiscal 2014 when all distracted driving offenses involving electronic devices were subject to primary enforcement.

Additional Information

Prior Introductions: HB 604 of 2014 received an unfavorable report from the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, www.bbc.com, Google Corporation, www.androidcentral.com, *Reuters News Service*, www.washingtonpost.com, www.wikipedia.com, Department of Legislative Services

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Exhibit 1
Maryland Electronic Device Driving Citations
Fiscal 2013-2014

<u>Offense While Driving</u>	<u>Enforcement Authority</u>	<u>Open</u>	<u>Prepaid</u>	<u>Trial</u>	<u>Total Citations</u>
<i>School Bus Driver w/Handheld Device</i>					
Fiscal 2013	Secondary	3	29	9	41
Fiscal 2014	Primary	33	72	20	125
<i>Permit/Prov. License Holder – Adult w/Handheld Device</i>					
Fiscal 2013	Secondary	16	65	30	111
Fiscal 2014	Primary	78	142	73	293
<i>Minor w/Wireless Communication Device</i>					
Fiscal 2013	Secondary	4	3	4	11
Fiscal 2014	Primary	4	5	3	12
<i>Fully Licensed Adult w/Handheld Device</i>					
Fiscal 2013	Secondary	548	5,213	1,132	6,893
Fiscal 2014	Primary	6,185	22,019	2,866	31,070
<i>Reading, Writing, Sending Text Messages</i>					
Fiscal 2013	Primary	184	649	341	1,174
Fiscal 2014	Primary	550	1,299	324	2,173

Note: The enforcement authority for many of these offenses changed from secondary to primary, beginning in fiscal 2014.

Source: Administrative Office of the Courts
