

# HOUSE BILL 212

R5

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By: **Delegates Turner, Atterbeary, Barkley, Brooks, Ebersole, Hill, Hixson, Jalisi, Lam, Pendergrass, Sophocleus, and B. Wilson**

Introduced and read first time: January 22, 2016

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – Use of Handheld Telephone While Driving – ~~Increased~~ Penalties**

3 FOR the purpose of ~~increasing~~ altering the maximum fines for ~~an initial violation and~~  
4 ~~subsequent violations~~ a violation of certain prohibitions against using a handheld  
5 telephone while driving a motor vehicle; and generally relating to the prohibition  
6 against using a handheld telephone while driving a motor vehicle.

7 BY repealing and reenacting, ~~without~~ with amendments,

8 Article – Transportation

9 Section ~~21-1124.2(c) and (d)~~ 21-1124.2

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2015 Supplement)

12 BY repealing and reenacting, ~~with~~ without amendments,

13 Article – Transportation

14 Section ~~21-1124.2(c)(1)~~ 27-101(a) and (b)

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2015 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Transportation**

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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 21-1124.2.

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

3 (2) “Handheld telephone” means a handheld device used to access wireless  
4 telephone service.

5 (3) “9-1-1 system” has the meaning stated in § 1-301 of the Public Safety  
6 Article.

7 (b) This section does not apply to:

8 (1) Emergency use of a handheld telephone, including calls to:

9 (i) A 9-1-1 system;

10 (ii) A hospital;

11 (iii) An ambulance service provider;

12 (iv) A fire department;

13 (v) A law enforcement agency; or

14 (vi) A first aid squad;

15 (2) Use of a handheld telephone by the following individuals when acting  
16 within the scope of official duty:

17 (i) Law enforcement personnel; and

18 (ii) Emergency personnel;

19 (3) Use of a handheld telephone as a text messaging device as defined in §  
20 21-1124.1 of this subtitle; and

21 (4) Use of a handheld telephone as a communication device utilizing  
22 push-to-talk technology by an individual operating a commercial motor vehicle, as defined  
23 in 49 C.F.R. Part 390.5 of the Federal Motor Carrier Safety Regulations.

24 (c) The following individuals may not use a handheld telephone while operating  
25 a motor vehicle:

26 (1) A driver of a Class H (school) vehicle that is carrying passengers and in  
27 motion; and

1 (2) A holder of a learner's instructional permit or a provisional driver's  
2 license who is 18 years of age or older.

3 (d) (1) This subsection does not apply to an individual specified in subsection  
4 (c) of this section.

5 (2) A driver of a motor vehicle that is in motion may not use the driver's  
6 hands to use a handheld telephone other than to initiate or terminate a wireless telephone  
7 call or to turn on or turn off the handheld telephone.

8 (e) ~~(1) A person convicted of a violation of this section is subject to the~~  
9 ~~following penalties:~~

10 (i) ~~For a first offense, a fine of not more than [\$75] \$150;~~

11 (ii) ~~For a second offense, a fine of not more than [\$125] \$250; and~~

12 (iii) ~~For a third or subsequent offense, a fine of not more than [\$175]~~  
13 ~~\$350.~~

14 [(2)] Points may not be assessed against the individual under § 16-402 of  
15 this article unless the offense contributes to an accident.

16 (f) The court may waive [a] THE penalty [under subsection (e)] FOR A  
17 VIOLATION of this section for a person who:

18 (1) Is convicted of a first offense under this section; and

19 (2) Provides proof that the person has acquired a hands-free accessory, an  
20 attachment or add-on, a built-in feature, or an addition for the person's handheld  
21 telephone that will allow the person to operate a motor vehicle in accordance with this  
22 section.

23 27-101.

24 (a) It is a misdemeanor for any person to violate any of the provisions of the  
25 Maryland Vehicle Law unless the violation:

26 (1) Is declared to be a felony by the Maryland Vehicle Law or by any other  
27 law of this State; or

28 (2) Is punishable by a civil penalty under the applicable provision of the  
29 Maryland Vehicle Law.

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1 (b) Except as otherwise provided in this section, any person convicted of a  
2 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is  
3 subject to a fine of not more than \$500.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.