

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 212  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Increased”; in line 3, strike “increasing” and substitute “altering”; in lines 3 and 4, strike “an initial violation and subsequent violations” and substitute “a violation”; in line 7, strike “without” and substitute “with”; in line 9, strike “21-1124.2(c) and (d)” and substitute “21-1124.2”; in line 12, strike “with” and substitute “without”; and in line 14, strike “21-1124.2(e)(1)” and substitute “27-101(a) and (b)”.

AMENDMENT NO. 2

On page 1, after line 20, insert:

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

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

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

(b) This section does not apply to:

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

(i) A 9-1-1 system;

(ii) A hospital;

(Over)

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(iii) An ambulance service provider;

(iv) A fire department;

(v) A law enforcement agency; or

(vi) A first aid squad;

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

(i) Law enforcement personnel; and

(ii) Emergency personnel;

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

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

AMENDMENT NO. 3

On page 2, strike beginning with “(1)” in line 10 down through “\$350.” in line 15 and substitute:

“(2) Points may not be assessed against the individual under § 16–402 of this article unless the offense contributes to an accident.

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

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

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

27-101.

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

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

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

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