

(PRE-FILED)

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By: **Senator Baker**

Requested: September 19, 2000

Introduced and read first time: January 10, 2001

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Use of Hand-Held Telephone During Operation of a Motor**  
3 **Vehicle - Prohibited**

4 FOR the purpose of prohibiting the driver of a motor vehicle from operating a  
5 hand-held telephone while the motor vehicle is being operated on a highway  
6 and is traveling at a certain speed; providing certain exceptions; defining a  
7 certain term; providing a penalty; and generally relating to the operation of  
8 telephones while operating a motor vehicle.

9 BY adding to  
10 Article - Transportation  
11 Section 21-1123  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article - Transportation  
16 Section 16-402(a)(1) and 27-101(a) and (b)  
17 Annotated Code of Maryland  
18 (1999 Replacement Volume and 2000 Supplement)

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

21 **Article - Transportation**

22 16-402.

23 (a) After the conviction of an individual for a violation of Article 27, § 388, §  
24 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any  
25 local authority, points shall be assessed against the individual as of the date of  
26 violation and as follows:

1 (1) Any moving violation not listed below and not contributing  
2 to an accident..... 1 point

3 21-1123.

4 (A) IN THIS SECTION, "911 SYSTEM" MEANS A TELEPHONE SERVICE WHICH  
5 MEETS THE PLANNING GUIDELINES ESTABLISHED PURSUANT TO ARTICLE 41, §  
6 18-103 OF THE CODE, AND WHICH AUTOMATICALLY CONNECTS A PERSON DIALING  
7 THE DIGITS 911 TO AN ESTABLISHED PUBLIC SAFETY ANSWERING POINT. 911 SYSTEM  
8 INCLUDES EQUIPMENT FOR CONNECTING AND OUTSWITCHING 911 CALLS WITHIN A  
9 TELEPHONE CENTRAL OFFICE, TRUNKING FACILITIES FROM THE CENTRAL OFFICE  
10 TO A PUBLIC SAFETY ANSWERING POINT, AND EQUIPMENT TO CONNECT 911 CALLS  
11 TO THE APPROPRIATE PUBLIC SAFETY AGENCY.

12 (B) THIS SECTION DOES NOT APPLY TO THE OPERATION OF A HAND-HELD  
13 TELEPHONE:

14 (1) BY LAW ENFORCEMENT, FIRE DEPARTMENT, OR RESCUE SQUAD  
15 PERSONNEL ACTING WITHIN THE SCOPE OF THE INDIVIDUAL'S OFFICIAL DUTIES; OR

16 (2) TO CONTACT A 911 SYSTEM.

17 (C) WHEN A MOTOR VEHICLE IS BEING OPERATED ON A HIGHWAY AND THE  
18 MOTOR VEHICLE IS TRAVELING AT A SPEED GREATER THAN 10 MILES PER HOUR, THE  
19 DRIVER OF THE VEHICLE MAY NOT OPERATE A HAND-HELD TELEPHONE.

20 27-101.

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

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

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

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2001.