

**Department of Legislative Services  
Maryland General Assembly  
2001 Session**

**FISCAL NOTE**

Senate Bill 23 (Senator Baker)  
Judicial Proceedings

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

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This bill prohibits a driver of a motor vehicle from operating a hand-held telephone while the vehicle is being operated on a highway at a speed in excess of 10 miles per hour, unless the driver is acting in an official capacity as a law enforcement officer or emergency vehicle operator, or is calling a 911 emergency service.

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**Fiscal Summary**

**State Effect:** Minimal general fund revenue increase from the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine). Enforcement could be handled with existing resources.

**Local Effect:** Enforcement could be handled with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** There are no provisions in the Motor Vehicle Law governing the use of cellular phones while driving.

**Background:** There are an estimated 91 million cellular phone users nationwide and over 2 million in Maryland. Studies that test driver skills have noted that cellular phones can impair a driver's ability to judge safe stopping distances or to anticipate hazards. Studies also show, however, that approximately 85% of cellular phone users use their

phones at least occasionally while driving. An estimated 27% of such individuals use their phones during at least half of their vehicle trips. While few states have kept detailed statistics, studies seem to indicate that cellular phones are a growing factor in vehicle crashes. However, the studies are inconclusive as to the magnitude of the problem because “driver inattention,” often cited as the cause of an accident, may or may not involve cellular phones. In 1999 Maryland had 325 “driver distraction” traffic fatalities and in 2000 Maryland joined six other states and started tracking cell phone-related accidents as a separate statistic.

No states currently have laws banning the use of cellular phones while driving, although 37 states have considered such legislation in the past five years. Five towns have passed an ordinance prohibiting the use of hand-held cell phones while operating a motor vehicle. Violators are subject to a maximum fine of \$100. The ordinance in Hilltown Township, Pennsylvania was overturned in court. The judge ruled in the case that the ordinance “bucked state laws.” Additionally, thirteen countries now restrict or ban hand-held phone use while driving.

Minor restrictions on cellular phone use have been imposed in a few states. California requires rental cars that are equipped with cellular phones to include instructions on safe usage of such phones. Florida allows cellular phone use while driving as long as the operator can hear surrounding sounds through one ear. Massachusetts requires that drivers keep at least one hand on the steering wheel at all times while operating a cellular phone.

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### **Additional Information**

**Prior Introductions:** A similar bill was introduced in 2000 as HB 43. It did not receive a report from the House Commerce and Government Matters Committee. A similar bill was introduced in 1999 as HB 37 and received an unfavorable report from the House Commerce and Government Matters Committee.

**Cross File:** None, but HB 89 (Commerce and Government Matters) is substantially similar.

**Information Source(s):** Maryland State Police, Maryland Department of Transportation (Motor Vehicle Administration), National Highway Traffic Safety Administration, National Conference of State Legislatures, *The New England Journal of Medicine*, National Public Services Research Institute, U.S. Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader – January 26, 2001  
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