

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 31 (Delegate Arnick, *et al.*)  
Commerce and Government Matters

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**Vehicle Laws - Use of Hand-Held Telephone While Driving - Prohibition**

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This bill prohibits a driver of a motor vehicle from operating a hand-held telephone while the vehicle is in motion. The bill does not apply to: (1) a driver calling 911 or a public safety agency in connection with an emergency; (2) an employee of an electric, gas, or telephone company (as defined in § 1-101 of the Public Utility Companies Article) making a call in connection with emergency communications; or (3) an operator of an emergency vehicle acting in an official capacity. A violation is a misdemeanor, punishable by a fine of not more than \$500.

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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 restrictions in the Maryland Vehicle Law governing the use of hand-held telephones while driving.

**Background:** The debate surrounding telephone use by drivers focuses on driver distraction. Nationwide, the National Highway Transportation Safety Administration

estimates that 25% to 30% of motor vehicle crashes are caused by driver distraction. One widely quoted report published in 1997 in the *New England Journal of Medicine* concluded that the distraction caused by phone use in motor vehicles quadrupled the risk of a collision during the brief period of a call, a rate equivalent to the impairment caused by legal intoxication. However, after probing further into instances of driver distraction and North Carolina crash data, the University of North Carolina Highway Safety Research Center found that cell phones ranked eighth in a list of distractions that caused crashes, below activities such as adjusting the radio, eating, and drinking. According to Maryland State Police accident report data from January 1, 2000 through June 30, 2001, "failed to give full attention" was a contributing circumstance in 55% to 58% of accidents.

There are over 2 million cell phone users in Maryland, and studies show that 85% of cell phone users use their phones at least occasionally while driving. Over 25% of such individuals are estimated to use their phones during at least half of their vehicle trips. In October 2000 Maryland began tracking cell phone-related accidents as a separate contributing circumstance on accident report forms. Through June 30, 2001, cellphones have been listed as a contributing circumstance in 67 of over 40,000 accidents.

In 2001, New York became the first state to prohibit the use of hand-held cell phones while driving, except in emergencies. The maximum penalty for illegal cell phone use is \$100. New York's law took effect November 1, but police were instructed to issue only warnings for the first 30 days. In December 2001, it was reported that the New York State Police issued 303 citations for drivers using hand-held cell phones. New York has since granted a grace period through March 1, 2002, until which time they will waive fines for drivers who provide proof of purchase of a hands-free device.

Most other states have at least considered state legislation restricting cell phone use by drivers. Minor restrictions on cellular phone use have been imposed in a few other 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. Arizona and Massachusetts prohibit cell phone use by school bus drivers while the bus is in motion.

Additionally, 14 industrialized countries -- including Britain, France, Germany, Israel, Italy, Japan, Australia, and Spain -- now restrict or ban hand-held phone use while driving.

## Additional Information

**Prior Introductions:** In 2001, HB 89 received an unfavorable report in the Commerce and Government Matters Committee. The committee did not report out HB 43 in 2000 and also gave HB 37 an unfavorable report in 1999.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Maryland State Police, Maryland Department of Transportation (State Highway Administration, Motor Vehicle Administration), *The Capital*, *The Washington Post*, National Conference of State Legislatures, National Public Services Research Institute, Department of Legislative Services

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Analysis by: Mitchell J. McCalmon

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510