

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 220 (Senator Hooper, *et al.*)
Judicial Proceedings

Vehicle Laws - Use of Mobile Telephone by Driver Who Is a Minor - Prohibition

This bill provides that a driver under the age of 18 may not operate a mobile telephone while the motor vehicle is in motion. A mobile telephone includes both hand-held and hands-free mobile telephone devices. The bill does not apply to drivers under the age of 18 who use a mobile telephone in a moving car to call 911 or a public safety agency in an emergency.

A violation of the bill's provisions is a misdemeanor and a violator is subject to a fine not exceeding \$500.

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.

Analysis

Current Law: There are no restrictions in the Maryland Vehicle Law governing the use of hand-held telephones while driving for either those under the age of 18 or those who have reached the age of majority. There are no provisions in the Maryland Vehicle Law restricting or prohibiting driving while distracted. However, a person is deemed guilty of

negligent driving if the person drives in a careless or imprudent manner that endangers property or human life. A negligent driving violation requires the assessment of one point against the driving record and is a misdemeanor subject to a penalty not exceeding \$500.

Background: Although state legislatures, to date, have been reluctant to ban cell phone use in motor vehicles, one state has applied such a ban to minors. In 2001, New Jersey enacted legislation that prohibits drivers less than 21 years of age and who only have a learner's permit from using a mobile phone while driving. The penalty is a \$100 fine or a 90-day permit suspension. Other states have considered legislation that prohibits minors from using a cell phone and other wireless devices while driving. In 2001, the states of Tennessee and Virginia considered, but did not pass, legislation prohibiting minors from using cell phones while driving. In 2002 legislative sessions, Delaware, Illinois, New York, Oklahoma, Pennsylvania, South Carolina, and Virginia considered, but did not pass, similar legislation. The New York bill would have applied the cell phone prohibition to drivers under the age of 21 and Pennsylvania would have limited its prohibition to minors with learner's permits. South Carolina's legislation would have applied the prohibition to cell phones and other wireless devices.

In 2001, New York became the first state to prohibit any driver from using a hand-held cell phone while driving, except in emergencies. The maximum penalty for illegal cell phone use is \$100. New York's law took effect November 1. A recent study by the Insurance Institute for Highway Safety suggests that passage of the New York law has reduced the use of hand-held phones while driving. One month before New York's law took effect, about 2.3% of all drivers were estimated to use hand-held cell phones. Several months after police began issuing citations, hand-held phone usage dropped about 50% to about 1.1% of all drivers.

To date, 25 industrialized countries – including Brazil, Chile, Denmark, the Philippines, Poland, Portugal, Romania, Slovenia, South Africa, Switzerland, Turkey, and the United Arab Emirates – now restrict or ban hand-held phone use while driving. Also, the University of Idaho revised its rules and regulations to require students who use university vehicles for student activities to certify that they will not use cell phones while driving.

The debate surrounding telephone use by drivers has recently focused on driver distraction. Nationwide, the National Highway Transportation Safety Administration estimates that 25% to 30% of motor vehicle crashes (about 1.2 million accidents) are caused by driver distraction. According to Maryland State Police accident report data from January 1, 2001 through June 30, 2002, "failed to give full attention" was a contributing circumstance in 57% of accidents.

In 2000, the Harvard Center for Risk Analysis (HCRA) issued a cost-benefit analysis of cell phone use while driving. The study analyzed results from a control group of 700 drivers who used cell phones. This was the same control group used for a widely disseminated 1997 New England Journal of Medicine study of cell phone use and driving. HCRA reviewed cell phone billing record analyses and in-depth surveys of participants to arrive at its conclusion that the benefits of being able to communicate while driving clearly outweighed the social costs of injuries and deaths. That study was revised in 2002 and now HCRA concludes that the costs of cell phone use while driving have risen to being roughly equal with the social benefits. HCRA estimates that nationally, on an annual basis, the use of cell phones while driving may result in 2,600 deaths, 330,000 moderate to critical injuries, and 1.5 million cases of property damage. Factors in the HCRA reassessment are the larger number of cell phone users (estimated to be 137 million) and cheaper costs for phones and talk time.

There are over 2 million cell phone users in Maryland, and studies show that 85% of cell phone owners 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. In calendar 2001, the State Highway Administration (SHA) recorded cell phones as a contributing factor in 11 out of 101,411 accidents. The data collected to date for the first half of calendar 2002 show that cell phone use was a contributing factor in 25 out of 72,283 accidents. It should be noted that the SHA data is dependent on reliable information from witnesses and the ability of the State Police to actually determine what happened at an accident scene. The reporting is also affected by the reluctance of people to admit culpability in an accident, especially to a law enforcement officer. Other states collecting this type of data grapple with similar issues.

Additional Information

Prior Introductions: None.

Cross File: HB 554 (Delegate McComas, *et al.*) – Environmental Matters.

Information Source(s): National Conference of State Legislatures, Harvard Center for Risk Analysis, Insurance Institute for Highway Safety, National Highway Traffic Safety Administration, *NewsMax.com*, University of Idaho, Department of Legislative Services

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