

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1151 (Delegate McComas, *et al.*)
Environmental Matters

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 9-1-1 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 mobile telephones while driving for anyone regardless of age. 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: In 2003, the National Transportation Safety Board (NTSB) recommended that all states prohibit holders of learner's permits and intermediate or provisional licenses from using interactive wireless communication devices while driving. This recommendation was one of several pertaining to the overall problem of driver distraction that was part of an NTSB final report on its investigation of a highway crash on February 1, 2002 that killed five people. A young woman who was talking on a cell phone and driving a Ford Explorer at an estimated speed of 75 miles per hour lost control of her vehicle while traveling northbound on the Capital Beltway near Largo, Maryland. The Explorer crossed the median, climbed a guardrail, flipped over, and landed on top of a southbound Ford Windstar minivan. All five people in the two vehicles were killed. NTSB found that the probable cause of the crash was the Explorer driver's failure to maintain control of her vehicle in windy conditions, her lack of driving experience, unfamiliarity with the vehicle, speed, and distraction caused by using a hand-held wireless telephone.

To date, two states, New Jersey and Maine, have enacted laws that prohibit drivers under 21 or learner's permit holders from using wireless communication devices while driving. In 2003, Maine, Maryland, Massachusetts, New York, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin considered legislation that would prohibit use of wireless devices by young drivers. Maine was the only state to pass this type of legislation in 2003. The legislation in New Jersey was enacted in 2001.

In its accident investigation report, NTSB also recommended improved driver education regarding the dangers of distracted driving. The board recommended that the American Driver and Traffic Safety Education Association and the National Highway Traffic Safety Administration develop a module for driving education curriculums that emphasizes the risks of distracted driving behavior. The board also recommended that The Advertising Council develop a media campaign on the dangers of distracted driving.

One of the persistent issues with regard to regulating in this area has been the absence of consistent findings or reliable statistics regarding the impact of cell phone use while driving. Studies published by the New England Journal of Medicine, the Harvard Center for Risk Analysis, and the University of North Carolina Highway Safety Research Center, among others, have proven to be inconclusive. While most legislative initiatives have focused on hand-held phones, some recent studies, by the University of Utah and the Swedish National Road Administration, have indicated that wireless phone use, even if the device is hands-free, is not any safer than driving with a hand-held wireless phone.

To date, 17 states including Maryland track data related to the causal factor of cell phones or distracted driving in vehicle accidents. NTSB has recommended that the other 33 states and the District of Columbia pass legislation to require data collection related to cell phone use or distracted driving. The District of Columbia and 10 states did consider this legislation, but data collection legislation did not pass in 2003. However, seven states (California, Delaware, Louisiana, New Jersey, New York, Pennsylvania, and Virginia) have created commissions to study the impact of distractions on safe driving.

Additional Information

Prior Introductions: This is a reintroduction of HB 554 from the 2003 session. HB 554 was heard in the Environmental Matters Committee, but was then withdrawn. HB 554 was cross filed with SB 220. SB 220 was referred to the Judicial Proceedings Committee, where it received an unfavorable report.

Cross File: None. However an identical bill, SB 630, has been referred to the Judicial Proceedings Committee.

Information Source(s): Maryland Department of Transportation, National Conference of State Legislatures, American Automobile Association, Reuters News Service, *The Washington Times*, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2004
mam/jr

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510