

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 275
Judiciary

(Delegate Arnick)

Courts - Negligence Actions - Evidence of Motor Vehicle Driver's Operation of
Hand-Held Telephone

This bill provides that the trier of fact in a negligence action may consider a driver's use of a hand-held telephone while the vehicle was moving, at or near the time of an accident, in determining whether the driver was negligent in connection with the accident. The bill exempts calls made to report or otherwise deal with an emergency situation, and calls made by drivers of emergency vehicles.

The bill applies only prospectively and does not affect any case filed before the bill's October 1, 2004 effective date.

Fiscal Summary

State Effect: The bill should not have a significant impact on District Court cases or finances.

Local Effect: The bill should not have a significant impact on circuit court cases or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill does not apply to:

- a driver calling an emergency telephone system or public safety agency in connection with an emergency;

- an employee of a public utility company, in connection with emergency communications; or
- an operator of an emergency vehicle while acting in an official capacity.

Current Law: Negligence is conduct that falls below the standard established by law to protect others against unreasonable risk of harm. Maryland law does not specify actions to be considered by a court in determining negligence in this context.

Background: Concern has risen in recent years over the increasing use of hand-held telephones and other devices that may distract drivers and lead to increased traffic accidents. Estimates of the number of people who use their phones while driving vary from 50% to 73%. This figure includes both hand-held telephones and freestanding units.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2004
lc/jr

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