

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 394

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Restriction” and substitute “Prohibition”; strike beginning with “requiring” in line 4 down through “licensees” in line 6 and substitute “prohibiting the holder of a learner’s instructional permit or provisional driver’s license”; strike beginning with “making” in line 8 down through “language;” in line 9 and substitute “authorizing a police officer to enforce this Act only as a secondary action when detaining a driver for another suspected violation of law; authorizing the Motor Vehicle Administration to suspend or revoke an individual’s driver’s license for a violation of this Act; providing for certain hearings;”; strike in its entirety line 12 and substitute “BY adding to”; and in line 14, strike “16-113” and substitute “21-1123”.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 2 on page 2 through line 35 on page 5, inclusive, and substitute:

“21-1123.”

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “9-1-1 SYSTEM” HAS THE MEANING STATED IN § 1-301 OF THE PUBLIC SAFETY ARTICLE.

(3) “WIRELESS COMMUNICATION DEVICE” MEANS:

(I) A HANDHELD OR HANDS FREE DEVICE USED TO ACCESS A WIRELESS TELEPHONE SERVICE; OR

(Over)

(II) A TEXT MESSAGING DEVICE.

(B) THIS SECTION DOES NOT APPLY TO THE USE OF A WIRELESS COMMUNICATION DEVICE TO CONTACT A 9-1-1 SYSTEM.

(C) A HOLDER OF A LEARNER'S INSTRUCTIONAL PERMIT OR A PROVISIONAL DRIVER'S LICENSE WHO IS UNDER THE AGE OF 18 YEARS MAY NOT USE A WIRELESS COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE.

(D) A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.

(E) (1) IF THE ADMINISTRATION RECEIVES SATISFACTORY EVIDENCE THAT AN INDIVIDUAL HAS VIOLATED THIS SECTION, THE ADMINISTRATION MAY SUSPEND OR REVOKE THE INDIVIDUAL'S DRIVER'S LICENSE.

(2) AN INDIVIDUAL MAY REQUEST A HEARING AS PROVIDED FOR A SUSPENSION OR REVOCATION UNDER TITLE 16, SUBTITLE 2 OF THIS ARTICLE."