

(PRE-FILED)

By: **Delegates Arnick, Bronrott, Mandel, Conroy, and Pendergrass**

Requested: October 12, 2005

Introduced and read first time: January 11, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Distracted Driving and Use of Wireless Communication**
3 **Devices While Driving - Prohibitions**

4 FOR the purpose of providing that a person who drives a motor vehicle in an
5 inattentive manner under certain circumstances is guilty of distracted driving;
6 prohibiting a driver of a certain school vehicle from using certain wireless
7 communication devices; prohibiting the holder of a learner's instructional
8 permit who is 18 years of age or older from driving a motor vehicle while using
9 certain wireless communication devices; prohibiting a certain driver of a motor
10 vehicle that is in motion from using the driver's hands to use certain wireless
11 communication devices; providing for exceptions to the prohibitions of this Act;
12 making stylistic changes; defining certain terms; and generally relating to
13 distracted driving and prohibitions against the use of wireless communication
14 devices while operating a motor vehicle.

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 21-901.1
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2005 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Transportation
22 Section 21-1124
23 Annotated Code of Maryland
24 (2002 Replacement Volume and 2005 Supplement)

25 BY adding to
26 Article - Transportation
27 Section 21-1124.1
28 Annotated Code of Maryland
29 (2002 Replacement Volume and 2005 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Transportation**

4 21-901.1.

5 (a) A person is guilty of reckless driving if [he] THE PERSON drives a motor
6 vehicle:

7 (1) In wanton or willful disregard for the safety of persons or property; or

8 (2) In a manner that indicates a wanton or willful disregard for the
9 safety of persons or property.

10 (b) A person is guilty of negligent driving if [he] THE PERSON drives a motor
11 vehicle in a careless or imprudent manner that endangers any property or the life or
12 person of any individual.

13 (C) A PERSON IS GUILTY OF DISTRACTED DRIVING IF THE PERSON DRIVES A
14 MOTOR VEHICLE IN AN INATTENTIVE MANNER RESULTING IN THE UNSAFE
15 OPERATION OF THE MOTOR VEHICLE, WHERE THE INATTENTION IS CAUSED BY THE
16 PERSON'S READING, WRITING, PERFORMING PERSONAL GROOMING, INTERACTING
17 WITH ANIMALS, ADJUSTING CARGO, OR ENGAGING IN ANY OTHER ACTIVITY THAT
18 DISTRACTS THE PERSON'S ATTENTION.

19 21-1124.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) "9-1-1 system" has the meaning stated in § 1-301 of the Public
22 Safety Article.

23 (3) "Wireless communication device" means:

24 (i) A handheld or hands free device used to access a wireless
25 telephone service; or

26 (ii) A text messaging device.

27 (b) This section does not apply to the use of a wireless communication device
28 to contact a 9-1-1 system.

29 (c) A holder of a learner's instructional permit or a provisional driver's license
30 who is under the age of 18 years may not use a wireless communication device while
31 operating a motor vehicle.

32 (d) A police officer may enforce this section only as a secondary action when
33 the police officer detains a driver for a suspected violation of another provision of the
34 Code.

1 (e) (1) If the Administration receives satisfactory evidence that an
2 individual has violated this section, the Administration:

3 (i) May suspend the individual's driver's license for not more than
4 90 days; and

5 (ii) May issue a restricted license for the period of suspension that
6 is limited to driving a motor vehicle:

7 1. In the course of the individual's employment;

8 2. For the purpose of driving to or from a place of
9 employment; or

10 3. For the purpose of driving to or from school.

11 (2) An individual may request a hearing as provided for a suspension or
12 revocation under Title 12, Subtitle 2 of this article.

13 21-1124.1.

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

16 (2) "9-1-1 SYSTEM" HAS THE MEANING STATED IN § 1-301 OF THE PUBLIC
17 SAFETY ARTICLE.

18 (3) "WIRELESS COMMUNICATION DEVICE" HAS THE MEANING STATED
19 IN § 21-1124(A)(3) OF THIS SUBTITLE.

20 (B) THIS SECTION DOES NOT APPLY TO EMERGENCY USE OF A WIRELESS
21 COMMUNICATION DEVICE, INCLUDING CALLS TO A 9-1-1 SYSTEM OR A HOSPITAL.

22 (C) THE FOLLOWING INDIVIDUALS MAY NOT USE A WIRELESS
23 COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE:

24 (1) A DRIVER OF A CLASS H (SCHOOL) VEHICLE THAT IS CARRYING
25 PASSENGERS AND IS IN MOTION; AND

26 (2) A HOLDER OF A LEARNER'S INSTRUCTIONAL PERMIT OR A
27 PROVISIONAL DRIVER'S LICENSE WHO IS 18 YEARS OF AGE OR OLDER.

28 (D) (1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL SPECIFIED
29 IN SUBSECTION (C) OF THIS SECTION.

30 (2) A DRIVER OF A MOTOR VEHICLE THAT IS IN MOTION MAY NOT USE
31 THE DRIVER'S HANDS TO USE A WIRELESS COMMUNICATION DEVICE OTHER THAN
32 TO INITIATE OR TERMINATE A WIRELESS TELEPHONE CALL OR TO TURN THE
33 WIRELESS COMMUNICATION DEVICE ON OR OFF.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.