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By: **Delegates Kelley, Parker, and V. Turner**  
 Introduced and read first time: February 8, 2006  
 Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Commercial Vehicles - Use of Wireless Communication**  
 3 **Devices While Driving - Prohibitions**

4 FOR the purpose of prohibiting a driver of a certain school vehicle from using certain  
 5 wireless communication devices; prohibiting a certain driver of a certain  
 6 commercial motor vehicle that is in motion from using the driver's hands to use  
 7 certain wireless communication devices; establishing a fine for a violation of this  
 8 Act; authorizing a court to waive the fine under certain circumstances;  
 9 providing for exceptions to the prohibitions of this Act; defining certain terms;  
 10 and generally relating to prohibitions against the use of wireless communication  
 11 devices while operating a commercial motor vehicle.

12 BY repealing and reenacting, without amendments,  
 13 Article - Transportation  
 14 Section 21-1124  
 15 Annotated Code of Maryland  
 16 (2002 Replacement Volume and 2005 Supplement)

17 BY adding to  
 18 Article - Transportation  
 19 Section 21-1124.1  
 20 Annotated Code of Maryland  
 21 (2002 Replacement Volume and 2005 Supplement)

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

24 **Article - Transportation**

25 21-1124.

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

27 (2) "9-1-1 system" has the meaning stated in § 1-301 of the Public  
 28 Safety Article.

1 (3) "Wireless communication device" means:

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

4 (ii) A text messaging device.

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

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

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

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

15 (i) May suspend the individual's driver's license for not more than  
16 90 days; and

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

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

20 2. For the purpose of driving to or from a place of  
21 employment; or

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

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

25 21-1124.1.

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

28 (2) "9-1-1 SYSTEM" HAS THE MEANING STATED IN § 1-301 OF THE PUBLIC  
29 SAFETY ARTICLE.

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

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

1 (C) A DRIVER OF A CLASS H (SCHOOL) VEHICLE THAT IS CARRYING  
2 PASSENGERS AND IS IN MOTION MAY NOT USE A WIRELESS COMMUNICATION  
3 DEVICE.

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

6 (2) A DRIVER OF A MOTOR VEHICLE THAT IS IN MOTION AND FOR WHICH  
7 THE DRIVER MUST HOLD A CLASS A, CLASS B, OR CLASS C COMMERCIAL DRIVER'S  
8 LICENSE MAY NOT USE THE DRIVER'S HANDS TO USE A WIRELESS COMMUNICATION  
9 DEVICE OTHER THAN TO INITIATE OR TERMINATE A WIRELESS TELEPHONE CALL OR  
10 TO TURN THE WIRELESS COMMUNICATION DEVICE ON OR OFF.

11 (E) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT  
12 TO A FINE OF \$250.

13 (2) THE COURT MAY WAIVE THE FINE FOR A PERSON WHO:

14 (I) IS CONVICTED FOR THE FIRST TIME OF A VIOLATION OF THIS  
15 SECTION; AND

16 (II) PROVIDES PROOF THAT THE PERSON HAS ACQUIRED A  
17 HANDS-FREE ACCESSORY, AN ATTACHMENT OR ADD-ON, A BUILT-IN FEATURE, OR  
18 AN ADDITION FOR THE PERSON'S WIRELESS COMMUNICATION DEVICE THAT WILL  
19 ALLOW THE PERSON TO OPERATE A MOTOR VEHICLE IN ACCORDANCE WITH THIS  
20 SECTION.

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