

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 30

(Delegate Arnick, *et al.*)

Environmental Matters

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

This bill prohibits the driver of a motor vehicle from engaging in distracted driving. The bill also restricts the use of wireless communication devices by drivers of moving vehicles.

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). The increase in the District Court and Motor Vehicle Administration caseload is expected to be minimal and could be handled with existing resources.

Local Effect: Enforcement could be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: This bill provides that a person is guilty of “distracted driving” if the person drives a motor vehicle in an inattentive manner that results in the unsafe operation of the vehicle. Distracting activities include reading, writing, personal grooming, interacting with pets, adjusting cargo, or any other activity that distracts the driver’s attention.

A “wireless communication device” is a handheld or hands free device used to access a wireless telephone service or text messaging device. This includes a mobile or cellular

telephone, a personal digital assistant that sends and receives messages, or a laptop computer.

A holder of a learner's permit or provisional license who is 18 or older is prohibited from using a wireless communication device while driving a motor vehicle. A driver of a school vehicle, carrying passengers, that is in motion is also prohibited from using a wireless communication device. Otherwise, a driver of a motor vehicle in motion may not use his/her hands to use a wireless communication device, other than to initiate or terminate a wireless telephone call or to turn the wireless communication device on or off. The bill's provisions do not apply to the emergency use of a wireless communication device, including calls to a hospital or 9-1-1 system.

A person who violates the bill's provisions is guilty of a misdemeanor and is subject to a maximum fine of \$500 and would receive one point assessed against the driver's license.

Current Law: There are no restrictions applicable to adults in the Maryland Vehicle Law governing the use of handheld telephones or electronic devices while driving. However, except to contact a 9-1-1 system in an emergency, a minor holding a learner's permit or provisional license is prohibited from using a wireless communication device while operating a motor vehicle.

There are no specific provisions 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 maximum fine of \$500. The fine currently assessed by the District Court for this offense is \$280.

Background: The use of telephones while driving and the impact of other distractions on drivers has been a major traffic safety issue for the past several years. In addition to telephones, cars are equipped with on-board navigation systems, DVD players, and television monitors, all competing to divert the driver's attention away from the road. Nationwide, the National Highway Transportation Safety Administration has estimated that 25% to 30% of motor vehicle crashes (about 1.2 million accidents) are caused by driver distraction.

One of the persistent issues with regulating driver distraction or the use of interactive devices in motor vehicles is the absence of consistent findings or reliable statistics. Studies published in recent years continue to have mixed results. A 2005 study published in the *British Medical Journal* concluded that drivers who use cell phones are four times more likely to be involved in a vehicle crash. A study of young drivers conducted at the University of Utah in 2004 found that their response time slowed significantly when

using cell phones, so much so, that drivers under the age of 21 were found to have the reaction times of drivers 65 to 74 years old. On the other hand, a report published by the AEI-Brookings Joint Center for Regulatory Studies in 2004 concluded that the safety benefits from prohibiting cell phone use would probably be minimal.

However, states have been very active in this area. Currently, 22 states and the District of Columbia have laws restricting the use of wireless devices in motor vehicles. Restrictions on the placement of televisions or their prohibition in motor vehicles are the subject of laws in 38 states, including Maryland. Provisions in Connecticut and the District of Columbia that prohibit the use of handheld phones while operating a motor vehicle also prohibit engaging in distracting activity that could affect the safe operation of a motor vehicle. New Hampshire has enacted legislation holding drivers accountable for all distractions that lead to vehicle accidents. According to the National Conference of State Legislatures, every state and the District of Columbia has considered legislation in this area during the last three years.

Additional Information

Prior Introductions: This bill is similar to HB 45 of 2005, which received an unfavorable report from the Environmental Matters Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Governors Highway Safety Association, National Conference of State Legislatures, Department of Legislative Services

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