

**Department of Legislative Services
Maryland General Assembly
2006 Session**

FISCAL AND POLICY NOTE

House Bill 817

(Delegate Kelley, *et al.*)

Environmental Matters

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

This bill prohibits the driver of a school vehicle that is carrying passengers and is in motion from using a wireless communication device. This prohibition does not apply to the emergency use of a wireless communication device, including calls to a 9-1-1 system or hospital. A driver of a commercial vehicle that is in motion and who holds a Class A, Class B, or Class C driver's license may not use a hand-held wireless communication device. The commercial driver may only use his/her hands to initiate or terminate a wireless telephone call or to turn the wireless device on or off.

A violator is subject to a fine of \$250. The court is authorized to waive the fine for a first-time conviction if the person proves that he/she has a hands-free accessory, attachment, add-on, or built-in feature for the wireless communication device that will allow the person to operate a motor vehicle in compliance with the bill's provisions.

Fiscal Summary

State Effect: Minimal general fund revenue increase from the penalty provision applicable to this offense. The increase in the District Court 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

Current Law: A wireless communication device means a hand-held or hands-free device used to access a wireless telephone service or a text messaging device.

Except as otherwise provided, a school vehicle is a motor vehicle that is used regularly for the exclusive transportation of children, students, or teachers for educational purposes, or in connection with a school activity. It is either of the body-on chassis type or integral type construction. A Type I school vehicle has a gross vehicle weight (GVW) exceeding 15,000 pounds and a minimum of 13 inches seating space per passenger. A Type II school vehicle has a maximum GVW of 15,000 pounds and a minimum of 13 inches seating space per passenger.

A “Class A” commercial license authorizes the licensee to drive any combination of vehicles with a gross combination weight of 26,001 pounds if the GVW of the vehicle being towed is in excess of 10,000 pounds. A Class A licensee may drive any vehicle or combination of vehicles that a Class B commercial licensee may drive.

A “Class B” commercial license authorizes the driver to drive any single vehicle with a GVW of 26,001 or more pounds, any such vehicle towing a vehicle up to 10,000 pounds GVW, and any vehicle that a Class C licensee may drive.

A “Class C” commercial license authorizes the driver to drive any single vehicle less than 26,001 pounds GVW, any single vehicle towing a vehicle up to 10,000 pounds GVW, and any vehicle that a noncommercial Class C licensee may drive, except motorcycles.

There are no restrictions applicable to adults in the Maryland Vehicle Law governing the use of hand-held wireless communication 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. The provision is enforceable as a secondary action when detaining the driver for another suspected violation of the Maryland Vehicle Law.

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 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 younger than 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. According to the National Conference of State Legislatures, 22 states and the District of Columbia have laws restricting the use of wireless devices in motor vehicles. Provisions in Connecticut, New Jersey, New York, and the District of Columbia prohibit the use of hand-held phones while operating a motor vehicle. Nine states (Arizona, Arkansas, Connecticut, Delaware, Illinois, Massachusetts, New Jersey, Rhode Island, and Tennessee) and the District of Columbia prohibit the operators of school vehicles that carry passengers from using a wireless telephone device while driving. There do not appear to be any states that have enacted legislation specifically regulating cell phone use by commercial drivers. According to the National Conference of State Legislatures, every state and the District of Columbia has considered legislation in the area of driving and cell phone use during the last three years.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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