

HOUSE BILL 174

R5

71r1187

By: **Delegates Olszewski, Aumann, Barkley, Bobo, Bromwell, Cardin,
G. Clagett, Manno, Minnick, Mizeur, Pendergrass, and Weir**

Introduced and read first time: January 26, 2007

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 or a provisional driver's license who is 18 years of age or older from
9 driving a motor vehicle while using certain wireless communication devices;
10 prohibiting a certain driver of a motor vehicle that is in motion from using the
11 driver's hands to use certain wireless communication devices; providing for
12 exceptions to the prohibitions of this Act; making stylistic changes; defining
13 certain terms; and generally relating to distracted driving and prohibitions
14 against the use of wireless communication devices while operating a motor
15 vehicle.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 21–901.1
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2006 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Transportation
23 Section 21–1124

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2006 Replacement Volume and 2006 Supplement)

3 BY adding to
4 Article – Transportation
5 Section 21–1124.1
6 Annotated Code of Maryland
7 (2006 Replacement Volume and 2006 Supplement)

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

10 **Article – Transportation**

11 21–901.1.

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

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

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

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

21 (c) **A PERSON IS GUILTY OF DISTRACTED DRIVING IF THE PERSON**
22 **DRIVES A MOTOR VEHICLE IN AN INATTENTIVE MANNER RESULTING IN THE**
23 **UNSAFE OPERATION OF THE MOTOR VEHICLE, WHERE THE INATTENTION IS**
24 **CAUSED BY THE PERSON’S READING, WRITING, PERFORMING PERSONAL**
25 **GROOMING, ADJUSTING CARGO, OR ENGAGING IN ANY OTHER ACTIVITY THAT**
26 **DISTRACTS THE PERSON’S ATTENTION.**

27 21–1124.

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

29 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public
30 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
8 license who is under the age of 18 years may not use a wireless communication device
9 while 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
16 than 90 days; and

17 (ii) May issue a restricted license for the period of suspension
18 that 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
24 or revocation under Title 12, Subtitle 2 of this article.

25 **21-1124.1.**

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

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

3 **(3) “WIRELESS COMMUNICATION DEVICE” HAS THE MEANING**
4 **STATED IN § 21-1124(A)(3) OF THIS SUBTITLE.**

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

8 **(C) THE FOLLOWING INDIVIDUALS MAY NOT USE A WIRELESS**
9 **COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE:**

10 **(1) A DRIVER OF A CLASS H (SCHOOL) VEHICLE THAT IS**
11 **CARRYING PASSENGERS AND IS IN MOTION; AND**

12 **(2) A HOLDER OF A LEARNER’S INSTRUCTIONAL PERMIT OR A**
13 **PROVISIONAL DRIVER’S LICENSE WHO IS 18 YEARS OF AGE OR OLDER.**

14 **(D) (1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL**
15 **SPECIFIED IN SUBSECTION (C) OF THIS SECTION.**

16 **(2) A DRIVER OF A MOTOR VEHICLE THAT IS IN MOTION MAY NOT**
17 **USE THE DRIVER’S HANDS TO USE A WIRELESS COMMUNICATION DEVICE OTHER**
18 **THAN TO INITIATE OR TERMINATE A WIRELESS TELEPHONE CALL OR TO TURN**
19 **THE WIRELESS COMMUNICATION DEVICE ON OR OFF.**

20 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
21 **October 1, 2007.**