

SENATE BILL 30

R5
HB 30/06 – ENV

71r1002

By: **Senator Stone**
Introduced and read first time: January 15, 2007
Assigned to: Judicial Proceedings

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
24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume and 2006 Supplement)

2 BY adding to

3 Article – Transportation

4 Section 21–1124.1

5 Annotated Code of Maryland

6 (2006 Replacement Volume and 2006 Supplement)

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

9 **Article – Transportation**

10 21–901.1.

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

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

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

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

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

26 21–1124.

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

28 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public
29 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.