

SENATE BILL 44

R5

71r0659

By: **Senators Lenett, Conway, Madaleno, Middleton, Pinsky, Robey, and Stone**
Introduced and read first time: January 17, 2007
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Use of Wireless Communication Devices While**
3 **Driving – Prohibitions**

4 FOR the purpose of prohibiting a driver of a certain school vehicle from using certain
5 wireless communication devices; prohibiting a holder of a learner’s instructional
6 permit or provisional driver’s license who is 18 years of age or older from driving
7 a motor vehicle while using certain wireless communication devices; prohibiting
8 a certain driver of a motor vehicle that is in motion from using the driver’s
9 hands to use certain wireless communication devices except under certain
10 circumstances; establishing penalties for a violation of this Act; authorizing the
11 court to waive a certain penalty under certain circumstances; providing for
12 exceptions to certain provisions of this Act relating to prohibitions on using
13 wireless communication devices while driving; defining certain terms; and
14 generally relating to prohibitions against the use of wireless communication
15 devices while operating a motor vehicle.

16 BY repealing and reenacting, without amendments,
17 Article – Transportation
18 Section 21–1124
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2006 Supplement)

21 BY adding to
22 Article – Transportation
23 Section 21–1124.1
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 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Transportation**

5 21–1124.

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

7 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public
8 Safety Article.

9 (3) “Wireless communication device” means:

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

12 (ii) A text messaging device.

13 (b) This section does not apply to the use of a wireless communication device
14 to contact a 9–1–1 system.

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

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

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

23 (i) May suspend the individual’s driver’s license for not more
24 than 90 days; and

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

27 1. In the course of the individual’s employment;

1 (I) LAW ENFORCEMENT PERSONNEL; AND

2 (II) EMERGENCY PERSONNEL.

3 (C) THE FOLLOWING INDIVIDUALS MAY NOT USE A WIRELESS
4 COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE:

5 (1) A DRIVER OF A CLASS H (SCHOOL) VEHICLE THAT IS
6 CARRYING PASSENGERS AND IS IN MOTION; AND

7 (2) A HOLDER OF A LEARNER'S INSTRUCTIONAL PERMIT OR A
8 PROVISIONAL DRIVER'S LICENSE WHO IS 18 YEARS OF AGE OR OLDER.

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

11 (2) A DRIVER OF A MOTOR VEHICLE THAT IS IN MOTION MAY NOT
12 USE THE DRIVER'S HANDS TO USE A WIRELESS COMMUNICATION DEVICE OTHER
13 THAN TO INITIATE OR TERMINATE A WIRELESS TELEPHONE CALL OR TO TURN
14 THE WIRELESS COMMUNICATION DEVICE ON OR OFF.

15 (E) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS
16 SUBJECT TO THE FOLLOWING PENALTIES:

17 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN
18 \$100; AND

19 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF
20 \$250.

21 (2) FOR A FIRST OFFENSE UNDER THIS SECTION, POINTS MAY
22 NOT BE ASSESSED AGAINST THE INDIVIDUAL UNDER § 16-402 OF THIS ARTICLE
23 UNLESS THE OFFENSE CONTRIBUTES TO AN ACCIDENT.

24 (F) THE COURT MAY WAIVE A PENALTY UNDER SUBSECTION (E) OF THIS
25 SECTION FOR A PERSON WHO:

26 (1) IS CONVICTED OF A FIRST OFFENSE UNDER THIS SECTION;
27 AND

1 **(2) PROVIDES PROOF THAT THE PERSON HAS ACQUIRED A HANDS**
2 **FREE ACCESSORY, AN ATTACHMENT OR ADD-ON, A BUILT-IN FEATURE, OR AN**
3 **ADDITION FOR THE PERSON'S WIRELESS COMMUNICATION DEVICE THAT WILL**
4 **ALLOW THE PERSON TO OPERATE A MOTOR VEHICLE IN ACCORDANCE WITH**
5 **THIS SECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2007.