

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 174 (Delegate Olszewski, *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, adjusting cargo, or any other activity that distracts the driver’s attention.

A “wireless communication device” is a hand-held 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 hand-held 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 \$140. If the negligent driving offense contributes to an accident, the fine increases to \$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. It is estimated that about 80% of the more than 220 million people in the United States who subscribe to wireless services use a cell phone while driving. 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 Traffic Safety Administration has estimated that 25% to 30% of motor vehicle crashes (about 1.2 million accidents) are caused by driver distraction.

A 2006 study of real world driver behavior, completed by the National Highway Traffic Safety Administration and the Virginia Tech Transportation Institute, concluded that driver inattention is the leading factor in most crashes and near-crashes. The study

tracked drivers of 100 vehicles for more than one year. The vehicles were equipped with video and sensor devices that provided over 42,000 hours of data. During the study, the drivers were involved in 82 crashes, 761 near-crashes, and 8,295 critical incidents. The study concluded that the most common distraction for drivers is cell phone use. Also, the number of crashes and near-crashes resulting from dialing a cell phone was nearly identical to the number resulting from listening or talking. Some distracting behaviors and their risk associated with accidents according to the study follow:

<u>Distracting Driving Behavior</u>	<u>Crash/Near-crash Increase Factor</u>
Reaching for Moving Object	9 times
Looking at External Object	3.7 times
Reading	3 times
Applying Makeup	3 times
Dialing Hand-held Device*	3 times
Talking or Listening on Hand-held Device*	1.3 times

*Although dialing was found to be more dangerous initially than talking or listening, because talking or listening occurs more often and over a longer period of time, the number of accidents caused by talking or listening was similar to the number of accidents caused by dialing alone.

Currently, 28 states and the District of Columbia have laws restricting the use of wireless devices in motor vehicles. California, Connecticut, New Jersey, and New York, as well as the District of Columbia prohibit hand-held phone use by all drivers. Provisions in Connecticut and the District of Columbia that prohibit the use of hand-held phones while operating a motor vehicle also prohibit engaging in distracting activity that could affect the safe operation of a motor vehicle. Restrictions on the placement of televisions or their prohibition in motor vehicles are the subject of laws in at least 38 states, including Maryland. 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 nearly identical to HB 30 of 2006. HB 30 was referred to the House Environmental Matters Committee, where it received an unfavorable report.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Public Safety and Correctional Services, Governors Highway Safety Association, National Conference of State Legislatures, National Highway Traffic Safety Administration, Virginia Tech Transportation Institute, Department of Legislative Services

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