

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

Senate Bill 44

(Senator Lenett, *et al.*)

Judicial Proceedings

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

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This bill prohibits the driver of a school vehicle that is carrying passengers and is in motion from using a wireless communication device. The prohibition also applies to the holder of a learner's instructional permit or provisional driver's license who is 18 or older. Otherwise, the driver of a motor vehicle that is in motion may not use a hand-held wireless communication device. The driver may only use his/her hands to initiate or terminate a wireless telephone call or to turn the wireless device on or off. These prohibitions do not apply to the emergency use of a wireless communication device, including calls to a 9-1-1 system, hospital, ambulance service provider, fire department, law enforcement agency, or first aid squad. These prohibitions also do not apply to law enforcement or emergency personnel when acting within the scope of official duty.

For a first offense, the violator is subject to a fine of up to \$100. 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. For a second or subsequent offense, the fine is \$250.

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**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.

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## **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.

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.

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. 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.

While a persistent issue with the use of wireless devices in motor vehicles has been the mixed results of published studies, more recent studies have indicated a stronger connection between cell phone use and risky driving behavior. A 2006 study of real world driver behavior, completed by the National Highway Traffic Safety Administration and the Virginia Tech Transportation Institute, 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 of accidents

resulting from listening or talking; although dialing is more dangerous, it occurs less often than listening or talking. 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.

States have been very active in this area. According to the National Conference of State Legislatures, 28 states and the District of Columbia have laws restricting the use of wireless devices in motor vehicles. Provisions in California, Connecticut, New Jersey, New York, and the District of Columbia prohibit the use of hand-held phones by all drivers while operating a motor vehicle. According to the Governors Highway Safety Association, 11 states (Arizona, Arkansas, California, Connecticut, Delaware, Illinois, Massachusetts, New Jersey, Rhode Island, Tennessee, and Texas) and the District of Columbia prohibit the operators of school vehicles that carry passengers from using a wireless telephone device while driving. Every state and the District of Columbia has considered legislation in the area of driving and cell phone use during the last three years.

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### **Additional Information**

**Prior Introductions:** This bill is similar to HB 817 of 2006, which received an unfavorable report from the House Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** Wicomico County, Allegany County, Montgomery County, Prince George's County, Talbot County, Baltimore City, Judiciary (Administrative Office of the Courts), Maryland Association of Boards of Education, Maryland State Department of Education, Maryland Department of Transportation, Governors Highway Safety Association, National Conference of State Legislatures, National Highway Traffic Safety Administration, Virginia Tech Transportation Institute, Department of Legislative Services

**Fiscal Note History:** First Reader - January 19, 2007  
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