

SENATE BILL 461

R5

8lr1975
CF 8lr1984

By: **Senators Middleton and Dyson**

Introduced and read first time: January 31, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Use of Wireless Communication Devices by Young**
3 **Drivers – Enforcement**

4 FOR the purpose of repealing a provision of law that limits a police officer to enforcing
5 a prohibition against a holder of a learner’s instructional permit or provisional
6 driver’s license from using a wireless communication device while driving only
7 as a secondary action when the police officer detains the driver on suspicion of
8 violating another provision of law; and generally relating to the enforcement of
9 laws prohibiting the use of wireless communication devices by drivers.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 21–1124
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2007 Supplement)

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

17 **Article – Transportation**

18 21–1124.

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

20 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public
21 Safety Article.

22 (3) “Wireless communication device” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) A handheld or hands-free device used to access a wireless
2 telephone service; or

3 (ii) A text messaging device.

4 (b) This section does not apply to the use of a wireless communication device
5 to contact a 9-1-1 system.

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

9 (d) [A police officer may enforce this section only as a secondary action when
10 the police officer detains a driver for a suspected violation of another provision of the
11 Code.

12 (e)] (1) If the Administration receives satisfactory evidence that an
13 individual has violated this section, the Administration:

14 (i) May suspend the individual's driver's license for not more
15 than 90 days; and

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

18 1. In the course of the individual's employment;

19 2. For the purpose of driving to or from a place of
20 employment; or

21 3. For the purpose of driving to or from school.

22 (2) An individual may request a hearing as provided for a suspension
23 or revocation under Title 12, Subtitle 2 of this article.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2008.