

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 711

(Delegate Barkley, *et al.*)

Environmental Matters

Motor Vehicles - School Bus Drivers - Prohibition on Use of a Wireless Communication Device While Driving

This bill prohibits the driver of a “school bus” from using a “wireless communication device” while operating the school bus, whether or not pupils are on the school bus. The prohibition does not apply to the use of a wireless device to contact a 9-1-1 system.

A violator is guilty of a misdemeanor and is subject to a maximum fine of \$500.

Fiscal Summary

State Effect: Potential minimal general fund revenue increase from the penalty provision applicable to this offense. Any increase in the District Court’s caseload could be handled with existing resources.

Local Effect: Enforcement could be handled with existing resources.

Small Business Effect: None.

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 specified, 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. For purposes of the bill, school bus includes a Type I school vehicle (gross vehicle weight exceeding 15,000 pounds and a minimum of 13 inches seating space per passenger) and a Type II school vehicle (maximum gross vehicle weight 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 prepayment fine increases to \$280, and three points must be assessed against the license.

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.

A persistent issue with the use of wireless devices in motor vehicles has been the mixed results of published studies; however, 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, 14 states (Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Illinois, Kentucky, Massachusetts, New Jersey, North Carolina, 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.

Additional Information

Prior Introductions: This bill is similar to SB 44 of 2007, which was heard by the Senate Judicial Proceedings Committee but received no further action. This bill is also similar to HB 817 of 2006, which received an unfavorable report from the House Environmental Matters Committee.

Cross File: None.

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

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