

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 461 (Senators Middleton and Dyson)  
Judicial Proceedings

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Vehicle Laws - Use of Wireless Communication Devices by Young Drivers -  
Enforcement

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This bill repeals the limitation that a police officer enforce, only as a secondary action when detaining a driver for another suspected violation, the prohibition against a minor holding a provisional license or learner's permit from using a wireless communication device while driving a motor vehicle.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues from additional citations. Potential minimal increase in Transportation Trust Fund revenues to the extent that suspended drivers purchase restricted licenses. Potential minimal increase in TTF expenditures due to additional notification of suspensions and hearings, to the extent requested. Any such increases cannot be reliably estimated at this time. Enforcement 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.

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 police officer may enforce the prohibition only as a secondary action when the officer detains a driver for another suspected violation. On notification of a violation, the Motor Vehicle Administration may suspend the driver's license for up to 90 days and issue a restricted license. The restricted license would limit the violator to driving only for purposes of employment or school. The District Court prepayment penalty is \$70 with one point assessed on the driver's license. If the violation contributes to an accident the prepayment penalty is \$110 and three points must be assessed against the license.

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.

A persistent issue with the use of wireless communication 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 under age 21 were found to have the reaction times of drivers ages 65 to 74.

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 communication devices in motor vehicles. Seventeen states and the District of Columbia have laws restricting or prohibiting the use of wireless communication devices by young or novice drivers. Provisions in California, Connecticut, New Jersey, New York, Washington, and the District of Columbia prohibit the use of hand-held phones by all drivers while operating a motor vehicle. Every state and the District of Columbia has considered legislation in the area of driving and cell phone use during the last three years.

**State Fiscal Effect:** General fund revenues could increase to the extent that additional drivers are cited for violating the prohibition in the bill. Any such increase is expected to be minimal. TTF revenues could increase to the extent that suspended drivers purchase a corrected license with the driving restriction required by the bill. MVA charges \$20 for each corrected license issued. TTF expenditures could potentially increase due to notifications for suspensions and hearings. Any such increase is expected to be minimal.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 695 (Charles County Delegation) – Environmental Matters.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Governor’s Highway Safety Association, National Conference of State Legislatures, Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2008  
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