

HOUSE BILL 72

R5
HB 380/08 – ENV

9lr1037

By: Delegates F. Turner, ~~Ali~~, and Waldstreicher and Delegates Barkley, Bartlett, Beidle, Bobo, Branch, Cardin, V. Clagett, Conway, DeBoy, Doory, Eckardt, Frick, Frush, Gilchrist, Gutierrez, Haddaway, Harrison, Heller, Hixson, Holmes, Howard, Hubbard, King, Kirk, Kramer, Krebs, Krysiak, Lee, Levy, Mathias, McDonough, McHale, Miller, Minnick, Montgomery, Morhaim, Murphy, Nathan-Pulliam, Olszewski, Pena-Melnyk, Pendergrass, Proctor, Reznik, Rice, Ross, Shewell, Sossi, Stocksdale, Stukes, Tarrant, Taylor, V. Turner, Vallario, Vaughn, Walker, ~~and Weir~~ Weir, Cane, Carr, Glenn, Healey, Hucker, Niemann, Norman, and Stein

Introduced and read first time: January 19, 2009
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 2009

CHAPTER _____

1 AN ACT concerning

2 ~~Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition~~
3 The Delegate John Arnick Electronic Communications Traffic Safety Act

4 FOR the purpose of prohibiting a person from using a text messaging device to write,
5 ~~send, or read~~ or send a text message while operating a motor vehicle under
6 certain circumstances; defining certain terms; providing for the application of
7 this Act; and generally relating to a prohibition on the use of a text messaging
8 device while driving.

9 BY adding to
10 Article – Transportation
11 Section 21-1124.1
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2008 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 27-101(a) and (b)
 2 Annotated Code of Maryland
 3 (2006 Replacement Volume and 2008 Supplement)

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

6 **Article - Transportation**

7 **21-1124.1.**

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
 9 MEANINGS INDICATED.

10 (2) "9-1-1 SYSTEM" HAS THE MEANING STATED IN § 1-301 OF
 11 THE PUBLIC SAFETY ARTICLE.

12 (3) "TEXT MESSAGING DEVICE" MEANS A HAND HELD DEVICE
 13 USED TO SEND A TEXT MESSAGE OR AN ELECTRONIC MESSAGE VIA A SHORT
 14 MESSAGE SERVICE, WIRELESS TELEPHONE SERVICE, OR ELECTRONIC
 15 COMMUNICATION NETWORK.

16 (B) A SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON MAY
 17 NOT USE A TEXT MESSAGING DEVICE TO WRITE, SEND, OR READ OR SEND A TEXT
 18 MESSAGE WHILE OPERATING A MOTOR VEHICLE IN MOTION OR IN THE TRAVEL
 19 PORTION OF THE ROADWAY.

20 (C) THIS SECTION DOES NOT APPLY TO THE USE OF:

21 (1) A GLOBAL POSITIONING SYSTEM; OR

22 (2) A TEXT MESSAGING DEVICE TO CONTACT A 9-1-1 SYSTEM.

23 27-101.

24 (a) It is a misdemeanor for any person to violate any of the provisions of the
 25 Maryland Vehicle Law unless the violation:

26 (1) Is declared to be a felony by the Maryland Vehicle Law or by any
 27 other law of this State; or

28 (2) Is punishable by a civil penalty under the applicable provision of
 29 the Maryland Vehicle Law.

1 (b) Except as otherwise provided in this section, any person convicted of a
2 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is
3 subject to a fine of not more than \$500.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.