

# HOUSE BILL 323

R5  
HB 1110/08 – ENV

9lr1561

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By: **Delegates Waldstreicher, Ali, Anderson, Barkley, Barnes, Bartlett, Beidle, Benson, Burns, Cane, Carr, V. Clagett, Conaway, DeBoy, Doory, Dumais, Feldman, Frick, Gilchrist, Gutierrez, Haddaway, Hecht, Heller, Hixson, Hucker, Kach, Kelly, Kipke, Kramer, Krebs, Krysiak, Kullen, Lee, Levi, Love, Manno, Mathias, McComas, McConkey, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan-Pulliam, Niemann, Oaks, Olszewski, Pena-Melnyk, Reznik, Rice, Rosenberg, Ross, Schuler, Shewell, Simmons, Smigiel, Stein, Tarrant, Taylor, V. Turner, Valderrama, Vallario, Walker, Weldon, and Wood**

Introduced and read first time: January 30, 2009

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

### 2 **Texting While Driving Ban of 2009**

3 FOR the purpose of prohibiting the use of a wireless communication device to write,  
4 send, or read a text message while operating a moving motor vehicle;  
5 establishing certain exceptions to the prohibition; providing that certain use of a  
6 wireless communication device does not constitute writing, sending, or reading  
7 a text message for purposes of this Act; and generally relating to the use of a  
8 wireless communication device while operating a motor vehicle.

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  
16 Section 27–101(a) and (b)  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2008 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Transportation****21-1124.1.**

(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT USE A WIRELESS COMMUNICATION DEVICE TO WRITE, SEND, OR READ A TEXT MESSAGE WHILE OPERATING A MOVING MOTOR VEHICLE.

(2) FOR THE PURPOSES OF THIS SECTION, READING, SELECTING, OR ENTERING A PHONE NUMBER OR NAME IN A WIRELESS COMMUNICATION DEVICE TO MAKE A PHONE CALL DOES NOT CONSTITUTE WRITING, SENDING, OR READING A TEXT MESSAGE.

(B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO AN OPERATOR OF:

(1) A MOVING EMERGENCY VEHICLE WHILE ACTING IN AN OFFICIAL CAPACITY;

(2) A MOVING MOTOR VEHICLE WHILE USING A WIRELESS COMMUNICATION DEVICE TO:

(I) REPORT UNLAWFUL ACTIVITY;

(II) SUMMON MEDICAL OR OTHER EMERGENCY ASSISTANCE;

(III) PREVENT INJURY TO A PERSON OR PROPERTY; OR

(IV) RELAY INFORMATION BETWEEN A TRANSIT OR FOR-HIRE OPERATOR AND THAT OPERATOR'S DISPATCHER, WHERE THE DEVICE IS PERMANENTLY AFFIXED TO THE VEHICLE; OR

(3) A MOVING MOTOR VEHICLE WHILE USING A GLOBAL POSITIONING SYSTEM.

**27-101.**

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

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

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

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

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