

# HOUSE BILL 564

R5

9lr2131  
CF 9lr2408

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By: **Delegate Malone**

Introduced and read first time: February 6, 2009

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Distracted Driving – Prohibition**

3 FOR the purpose of prohibiting a person from driving a motor vehicle in an inattentive  
4 manner resulting in the unsafe operation of the motor vehicle, where the  
5 inattention is caused by the person engaging in a certain preoccupying activity;  
6 providing that a violation of this Act is not a moving violation for the purpose of  
7 assessing certain points; authorizing a police officer to enforce this Act only as a  
8 secondary offense; defining certain terms; and generally relating to distracted  
9 driving.

10 BY adding to

11 Article – Transportation  
12 Section 21–901.3  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume and 2008 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Transportation  
17 Section 27–101(a) and (b)  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume and 2008 Supplement)

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

22 **Article – Transportation**

23 **21–901.3.**

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
25 MEANINGS INDICATED.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1           **(2) “PREOCCUPYING ACTIVITY” INCLUDES:**
- 2                   **(I) READING OR WRITING;**
- 3                   **(II) PERFORMING PERSONAL GROOMING;**
- 4                   **(III) USING A WIRELESS COMMUNICATIONS DEVICE;**
- 5                   **(IV) ADJUSTING CARGO;**
- 6                   **(V) EATING, DRINKING, OR SMOKING;**
- 7                   **(VI) PHYSICALLY ATTENDING TO ANOTHER PASSENGER;**
- 8 **AND**
- 9                   **(VII) OPERATING OR OBSERVING A VIDEO DISPLAY.**

10           **(3) “WIRELESS COMMUNICATION DEVICE” HAS THE MEANING**  
11 **STATED IN § 21-1124 OF THIS TITLE.**

12           **(B) A PERSON IS GUILTY OF DISTRACTED DRIVING IF THE PERSON**  
13 **DRIVES A MOTOR VEHICLE IN AN INATTENTIVE MANNER RESULTING IN THE**  
14 **UNSAFE OPERATION OF THE MOTOR VEHICLE, WHERE THE INATTENTION IS**  
15 **CAUSED BY THE PERSON ENGAGING IN A PREOCCUPYING ACTIVITY.**

16           **(C) A VIOLATION OF THIS SECTION IS NOT A MOVING VIOLATION FOR**  
17 **THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE.**

18           **(D) A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A**  
19 **SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A**  
20 **SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**

21 27-101.

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

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

26                   **(2) Is punishable by a civil penalty under the applicable provision of**  
27 **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.