

SENATE BILL 98

R5

(9lr0760)

ENROLLED BILL

—Judicial Proceedings / Environmental Matters—

Introduced by ~~Senator Stone~~ Senators Stone, Forehand, and Raskin Raskin, and Lenett

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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 a certain term terms; providing for the
7 application of this Act; and generally relating to a prohibition on the use of a
8 text messaging 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)

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.

Italics indicate opposite chamber / conference committee amendments.



1 BY repealing and reenacting, without amendments,
 2 Article – Transportation
 3 Section 27–101(a) and (b)
 4 Annotated Code of Maryland
 5 (2006 Replacement Volume and 2008 Supplement)

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

8 **Article – Transportation**

9 **21–1124.1.**

10 **(A) (1) IN THIS SECTION, ~~“TEXT”~~ THE FOLLOWING WORDS HAVE THE**
 11 **MEANINGS INDICATED.**

12 **(2) “9–1–1 SYSTEM” HAS THE MEANING STATED IN § 1–301 OF THE**
 13 **PUBLIC SAFETY ARTICLE.**

14 **(3) “TEXT MESSAGING DEVICE” MEANS A HAND HELD DEVICE**
 15 **USED TO SEND A TEXT MESSAGE OR AN ELECTRONIC MESSAGE VIA A SHORT**
 16 **MESSAGE SERVICE, WIRELESS TELEPHONE SERVICE, OR ELECTRONIC**
 17 **COMMUNICATION NETWORK.**

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

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

23 **(1) A GLOBAL POSITIONING SYSTEM; OR**

24 **(2) A TEXT MESSAGING DEVICE TO CONTACT A 9–1–1 SYSTEM.**

25 27–101.

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

28 (1) Is declared to be a felony by the Maryland Vehicle Law or by any
 29 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.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.