

## CHAPTER 194

(Senate Bill 98)

AN ACT concerning

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

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

BY adding to

Article – Transportation  
Section 21–1124.1  
Annotated Code of Maryland  
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

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

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

### **Article – Transportation**

#### **21–1124.1.**

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

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

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

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

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

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

**(2) A TEXT MESSAGING DEVICE TO CONTACT A 9-1-1 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

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

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

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

**Approved by the Governor, May 7, 2009.**