

# HOUSE BILL 236

R5  
HB 564/09 – ENV

01r1920  
CF 01r2095

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By: **Delegate Malone**  
Introduced and read first time: January 25, 2010  
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 when 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 (2009 Replacement Volume and 2009 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Transportation  
17 Section 27–101(a) and (b)  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2009 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) IN THIS SECTION, “PREOCCUPYING ACTIVITY” INCLUDES:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



- 1           (1)    READING OR WRITING;
- 2           (2)    PERFORMING PERSONAL GROOMING;
- 3           (3)    USING A WIRELESS COMMUNICATION DEVICE, AS DEFINED IN  
4   § 21-1124 OF THIS TITLE;
- 5           (4)    ADJUSTING CARGO;
- 6           (5)    EATING, DRINKING, OR SMOKING;
- 7           (6)    PHYSICALLY ATTENDING TO ANOTHER PASSENGER; AND
- 8           (7)    OPERATING OR OBSERVING A VIDEO DISPLAY.

9           (B)    A PERSON IS GUILTY OF DISTRACTED DRIVING IF THE PERSON  
10   DRIVES A MOTOR VEHICLE IN AN INATTENTIVE MANNER RESULTING IN THE  
11   UNSAFE OPERATION OF THE MOTOR VEHICLE WHEN THE INATTENTION IS  
12   CAUSED BY THE PERSON ENGAGING IN A PREOCCUPYING ACTIVITY.

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

15          (D)    A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A  
16   SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A  
17   SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.

18   27-101.

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

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

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

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

28          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29   October 1, 2010.