## HOUSE BILL 299

R5 HB 564/09 – ENV

## By: Delegate Malone

Introduced and read first time: January 27, 2010 Assigned to: Environmental Matters

## A BILL ENTITLED

1 AN ACT concerning

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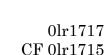
## Vehicle Laws – Distracted Driving – Prohibition

- FOR the purpose of prohibiting a person from driving a motor vehicle in an inattentive
  manner resulting in the unsafe operation of the motor vehicle when the
  inattention is caused by the person engaging in a certain preoccupying activity;
  providing that a violation of this Act is not a moving violation for the purpose of
  assessing certain points; authorizing a police officer to enforce this Act only as a
  secondary offense; defining a certain term; and generally relating to distracted
  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:

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





	2 HOUSE BILL 299		
1	(1)	READING OR WRITING;	
2	(2)	PERFORMING PERSONAL GROOMING;	
$\frac{3}{4}$	(3) USING A WIRELESS COMMUNICATIONS DEVICE, AS DEFINED IN § 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)	<b>OPERATING OR OBSERVING A VIDEO DISPLAY.</b>	
9 10 11 12	(B) A PERSON IS GUILTY OF DISTRACTED DRIVING IF THE PERSON DRIVES A MOTOR VEHICLE IN AN INATTENTIVE MANNER RESULTING IN THE UNSAFE OPERATION OF THE MOTOR VEHICLE WHEN THE INATTENTION IS CAUSED BY THE PERSON ENGAGING IN A PREOCCUPYING ACTIVITY.		
13 14	(C) A VIOLATION OF THIS SECTION IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § $16-402$ OF THIS ARTICLE.		
$15 \\ 16 \\ 17$	(D) A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.		
18	27–101.		
19 20	(a) It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation:		
$\begin{array}{c} 21 \\ 22 \end{array}$	(1) other law of this S	Is declared to be a felony by the Maryland Vehicle Law or by any State; or	
$\begin{array}{c} 23\\ 24 \end{array}$	(2) the Maryland Vel	Is punishable by a civil penalty under the applicable provision of nicle Law.	
$25 \\ 26 \\ 27$	(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.		
$\frac{28}{29}$	SECTION October 1, 2010.	2. AND BE IT FURTHER ENACTED, That this Act shall take effect	