

HOUSE BILL 221

R5

1lr1202

By: **Delegate Malone**

Introduced and read first time: January 28, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Use of Text Messaging Device While Driving**

3 FOR the purpose of establishing that a certain prohibition against a person under a
4 certain age using a wireless communication device while operating a motor
5 vehicle does not apply to the use of a wireless communication device as a text
6 messaging device; clarifying that a certain prohibition against a person using a
7 text messaging device to write or send a text message while operating a motor
8 vehicle under certain circumstances includes a prohibition against writing or
9 sending an electronic message; making a certain technical correction; altering a
10 certain definition; and generally relating to the use of a text messaging device
11 while driving.

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 21–1124 and 21–1124.1
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2010 Supplement)

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

19 **Article – Transportation**

20 21–1124.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public
23 Safety Article.

24 (3) “Wireless communication device” means[:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) A] A handheld or hands-free device used to access a wireless
2 telephone service[; or

3 (ii) A text messaging device].

4 (b) This section does not apply to [the]:

5 (1) **THE** use of a wireless communication device to contact a 9-1-1
6 system; **OR**

7 (2) **THE USE OF A WIRELESS COMMUNICATION DEVICE AS A TEXT**
8 **MESSAGING DEVICE AS DEFINED IN § 21-1124.1 OF THIS SUBTITLE.**

9 (c) A [holder of a learner's instructional permit or a provisional driver's
10 license] **PERSON** who is under the age of 18 years may not use a wireless
11 communication device while operating a motor vehicle.

12 (d) A police officer may enforce this section only as a secondary action when
13 the police officer detains a driver for a suspected violation of another provision of the
14 Code.

15 (e) (1) If the Administration receives satisfactory evidence that an
16 individual has violated this section, the Administration:

17 (i) May suspend the individual's driver's license for not more
18 than 90 days; and

19 (ii) May issue a restricted license for the period of suspension
20 that is limited to driving a motor vehicle:

21 1. In the course of the individual's employment;

22 2. For the purpose of driving to or from a place of
23 employment; or

24 3. For the purpose of driving to or from school.

25 (2) An individual may request a hearing as provided for a suspension
26 or revocation under Title 12, Subtitle 2 of this article.

27 21-1124.1.

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) "9-1-1 system" has the meaning stated in § 1-301 of the Public
30 Safety Article.

1 (3) “Text messaging device” means a hand held device used to send a
2 text message or an electronic message via a short message service, wireless telephone
3 service, or electronic communication network.

4 (b) Subject to subsection (c) of this section, a person may not use a text
5 messaging device to write or send a text message **OR AN ELECTRONIC MESSAGE**
6 while operating a motor vehicle in motion or in the travel portion of the roadway.

7 (c) This section does not apply to the use of:

8 (1) A global positioning system; or

9 (2) A text messaging device to contact a 9–1–1 system.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2011.