

# HOUSE BILL 55

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By: **Delegate Malone**

Introduced and read first time: January 13, 2012

Assigned to: Environmental Matters

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## 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 an individual who  
4 is under a certain age using a wireless communication device while operating a  
5 motor vehicle does not apply to the use of a wireless communication device as a  
6 text messaging device; making certain technical corrections; altering a certain  
7 definition; and generally relating to the use of a text messaging device while  
8 driving.

9 BY repealing and reenacting, with amendments,  
10 Article – Transportation  
11 Section 21–1124 and 21–1124.1  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2011 Supplement)

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

16 **Article – Transportation**

17 21–1124.

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

19 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public  
20 Safety Article.

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

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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 use of a wireless communication device  
5 [to]:

6 (1) TO contact a 9-1-1 system; OR

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

9 (c) [A holder of a learner's instructional permit or a provisional driver's  
10 license] AN INDIVIDUAL 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] **AN INDIVIDUAL** may  
5 not use a text messaging device to write, send, or read a text message or an electronic  
6 message while operating a motor vehicle 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           **(D) (1) IF THE ADMINISTRATION RECEIVES SATISFACTORY EVIDENCE**  
11 **THAT AN INDIVIDUAL WHO IS UNDER THE AGE OF 18 YEARS HAS VIOLATED THIS**  
12 **SECTION, THE ADMINISTRATION:**

13                   **(I) MAY SUSPEND THE INDIVIDUAL’S DRIVER’S LICENSE**  
14 **FOR NOT MORE THAN 90 DAYS; AND**

15                   **(II) MAY ISSUE A RESTRICTED LICENSE FOR THE PERIOD OF**  
16 **SUSPENSION THAT IS LIMITED TO DRIVING A MOTOR VEHICLE:**

17                           **1. IN THE COURSE OF THE INDIVIDUAL’S**  
18 **EMPLOYMENT;**

19                           **2. FOR THE PURPOSE OF DRIVING TO OR FROM A**  
20 **PLACE OF EMPLOYMENT; OR**

21                           **3. FOR THE PURPOSE OF DRIVING TO OR FROM**  
22 **SCHOOL.**

23                   **(2) AN INDIVIDUAL MAY REQUEST A HEARING AS PROVIDED FOR**  
24 **A SUSPENSION OR REVOCATION UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE.**

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2012.