

Chapter 251

(Senate Bill 529)

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving

FOR the purpose of establishing that a certain prohibition against an individual who is under a certain age using a wireless communication device while operating a motor vehicle does not apply to the use of a wireless communication device as a text messaging device; making certain technical corrections; altering a certain definition; and generally relating to the use of a text messaging device while driving.

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

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

Article – Transportation

21–1124.

- (a) (1) In this section 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) “Wireless communication device” means[:
 - (i) A] A handheld or hands–free device used to access a wireless telephone service[; or
 - (ii) A text messaging device].
- (b) This section does not apply to the use of a wireless communication device [to]:

(1) TO contact a 9–1–1 system; OR

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

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

(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.

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

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

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

1. In the course of the individual's employment;
2. For the purpose of driving to or from a place of employment; or
3. For the purpose of driving to or from school.

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

21-1124.1.

(a) (1) In this section 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) Subject to subsection (c) of this section, [a person] **AN INDIVIDUAL** may not use a text messaging device to write, send, or read a text message or an electronic message while operating a motor vehicle 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.

(D) (1) IF THE ADMINISTRATION RECEIVES SATISFACTORY EVIDENCE THAT AN INDIVIDUAL WHO IS UNDER THE AGE OF 18 YEARS HAS VIOLATED THIS SECTION, THE ADMINISTRATION:

(I) MAY SUSPEND THE INDIVIDUAL'S DRIVER'S LICENSE FOR NOT MORE THAN 90 DAYS; AND

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

1. IN THE COURSE OF THE INDIVIDUAL'S EMPLOYMENT;

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

3. FOR THE PURPOSE OF DRIVING TO OR FROM SCHOOL.

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

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

Approved by the Governor, May 2, 2012.