

BY: Conference Committee

AMENDMENTS TO SENATE BILL 348
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Texting” and substitute “Use of Text Messaging Device or Handheld Telephone”; strike beginning with “altering” in line 4 down through “circumstances;” in line 7; in line 9, after “device” insert “or a handheld telephone”; in the same line, after the second “that” insert “directly”; in line 17, after “Act;” insert “providing that a sentence imposed under this Act shall be separate from and concurrent with a sentence for a certain other crime;”; in line 19, strike “prohibition” and substitute “prohibitions”; and in the same line, after “device” insert “and a handheld telephone”.

AMENDMENT NO. 2

On page 1, in line 22, after “16-402(a)(39)” insert “, 21-1124.3”.

On page 2, in line 1, strike “with” and substitute “without”; and in line 3, after “21-1124.1” insert “and 21-1124.2”.

AMENDMENT NO. 3

On page 2, in line 14, strike “§ 21-1124.1(B)(2)” and substitute “§ 21-1124.3”; in line 23, strike “(1)”; in line 24, strike “THE INDIVIDUAL’S HANDS TO USE”; and strike in their entirety lines 27 through 30, inclusive.

AMENDMENT NO. 4

On page 3, after line 27, insert:

“21-1124.2.”

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

(Over)

(2) “Handheld telephone” means a handheld device used to access wireless telephone service.

(3) “9-1-1 system” has the meaning stated in § 1–301 of the Public Safety Article.

(b) This section does not apply to:

(1) Emergency use of a handheld telephone, including calls to:

(i) A 9-1-1 system;

(ii) A hospital;

(iii) An ambulance service provider;

(iv) A fire department;

(v) A law enforcement agency; or

(vi) A first aid squad;

(2) Use of a handheld telephone by the following individuals when acting within the scope of official duty:

(i) Law enforcement personnel; and

(ii) Emergency personnel;

(3) Use of a handheld telephone as a text messaging device as defined in § 21–1124.1 of this subtitle; and

(4) Use of a handheld telephone as a communication device utilizing push-to-talk technology by an individual operating a commercial motor vehicle, as defined in 49 C.F.R. Part 390.5 of the Federal Motor Carrier Safety Regulations.

(c) The following individuals may not use a handheld telephone while operating a motor vehicle:

(1) A driver of a Class H (school) vehicle that is carrying passengers and in motion; and

(2) A holder of a learner's instructional permit or a provisional driver's license who is 18 years of age or older.

(d) (1) This subsection does not apply to an individual specified in subsection (c) of this section.

(2) A driver of a motor vehicle that is in motion may not use the driver's hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone.

(e) (1) A person convicted of a violation of this section is subject to the following penalties:

(i) For a first offense, a fine of not more than \$75;

(ii) For a second offense, a fine of not more than \$125; and

(iii) For a third or subsequent offense, a fine of not more than \$175.

(2) Points may not be assessed against the individual under § 16-402 of this article unless the offense contributes to an accident.

(Over)

(f) The court may waive a penalty under subsection (e) of this section for a person who:

(1) Is convicted of a first offense under this section; and

(2) Provides proof that the person has acquired a hands-free accessory, an attachment or add-on, a built-in feature, or an addition for the person's handheld telephone that will allow the person to operate a motor vehicle in accordance with this section.

21-1124.3.

A PERSON MAY NOT COMMIT A VIOLATION OF § 21-1124.1 OR § 21-1124.2 OF THIS SUBTITLE THAT CAUSES AN ACCIDENT THAT DIRECTLY RESULTS IN THE DEATH OR, AS DEFINED IN § 27-113 OF THIS ARTICLE, SERIOUS BODILY INJURY OF ANOTHER.

AMENDMENT NO. 5

On page 3, in line 29, before "A" insert "**(A)**"; in the same line, strike "**§ 21-1124.1(B)(2)**" and substitute "**§ 21-1124.3**"; in line 31, strike "**3 YEARS**" and substitute "**1 YEAR**"; and after line 31, insert:

"(B) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM AND CONCURRENT WITH A SENTENCE FOR ANOTHER CRIME BASED IN WHOLE OR PART ON THE ACT ESTABLISHING THE VIOLATION OF § 21-1124.3 OF THIS ARTICLE."