

HOUSE BILL 544

R5

4lr0450

By: **Delegates Malone, Clagett, and Kach**
Introduced and read first time: January 29, 2014
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Wireless Communication Devices – Prohibited Acts**

3 FOR the purpose of repealing certain provisions of law that apply certain prohibitions
4 involving the use of a wireless communication device to certain operators of
5 certain motor vehicles only if the motor vehicle is in motion; providing that
6 certain prohibitions against the use of a wireless communication device while
7 operating a motor vehicle apply only if the motor vehicle is in the travel portion
8 of the roadway; and generally relating to prohibitions against the use of a
9 wireless communication device while operating a motor vehicle.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 21–1124 and 21–1124.2
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2013 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Transportation
17 Section 21–1124.1(b)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2013 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 21–1124.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (3) “Wireless communication device” means a handheld or hands–free
4 device used to access a wireless telephone service.

5 (b) This section does not apply to the use of a wireless communication device:

6 (1) To contact a 9–1–1 system; or

7 (2) As a text messaging device as defined in § 21–1124.1 of this
8 subtitle.

9 (c) An individual who is under the age of 18 years may not use a wireless
10 communication device while operating a motor vehicle **IN THE TRAVEL PORTION OF**
11 **THE ROADWAY.**

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

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

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

18 1. In the course of the individual’s employment;

19 2. For the purpose of driving to or from a place of
20 employment; or

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

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

24 21–1124.1.

25 (b) Subject to subsection (c) of this section, an individual may not use a text
26 messaging device to write, send, or read a text message or an electronic message while
27 operating a motor vehicle in the travel portion of the roadway.

28 21–1124.2.

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

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

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

5 (b) This section does not apply to:

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

7 (i) A 9–1–1 system;

8 (ii) A hospital;

9 (iii) An ambulance service provider;

10 (iv) A fire department;

11 (v) A law enforcement agency; or

12 (vi) A first aid squad;

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

15 (i) Law enforcement personnel; and

16 (ii) Emergency personnel;

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

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

22 (c) The following individuals may not use a handheld telephone while
23 operating a motor vehicle **IN THE TRAVEL PORTION OF THE ROADWAY**:

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

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

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

1 (2) A driver of a motor vehicle that is in [motion] **THE TRAVEL**
2 **PORTION OF THE ROADWAY** may not use the driver's hands to use a handheld
3 telephone other than to initiate or terminate a wireless telephone call or to turn on or
4 turn off the handheld telephone.

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

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

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

9 (iii) For a third or subsequent offense, a fine of not more than
10 \$175.

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2014.