

# HOUSE BILL 1212

R5

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CF SB 348

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By: **Delegates Clippinger, Waldstreicher, Anderson, Arora, Cluster, Dumais,  
Hammen, McDermott, McHale, Valderrama, and Valentino-Smith**

Introduced and read first time: February 7, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Use of Text Messaging Device or Handheld Telephone While Driving –**  
3 **Accidents Resulting in Death or Serious Injury – Penalties**

4 FOR the purpose of prohibiting a person from committing a violation of a certain  
5 prohibition against using a text messaging device or a handheld telephone while  
6 driving that contributes to an accident that results in the death or serious  
7 bodily injury of another; requiring a person who is involved in a motor vehicle  
8 accident that results in the death of or a life threatening injury to another  
9 person and who is detained by a police officer who has reasonable grounds to  
10 believe that the person has been driving while using a text messaging device or  
11 a handheld telephone in violation of a certain provision of law to provide the  
12 officer with certain information regarding the device; establishing certain  
13 criminal penalties for a certain violation of this Act; providing for the  
14 assessment of certain points for a violation of a certain provision of this Act; and  
15 generally relating to the prohibitions on using a text messaging device and a  
16 handheld telephone while driving.

17 BY adding to

18 Article – Transportation  
19 Section 16-402(a)(39), 21-1124.3, and 27-115  
20 Annotated Code of Maryland  
21 (2012 Replacement Volume and 2013 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – Transportation  
24 Section 21-1124.1 and 21-1124.2  
25 Annotated Code of Maryland  
26 (2012 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 16–402.

5 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §  
6 2–209, or § 3–211 of the Criminal Law Article, or of the vehicle laws or regulations of  
7 this State or of any local authority, points shall be assessed against the individual as  
8 of the date of violation and as follows:

9 **(39) A VIOLATION OF § 21–1124.3(A) OF THIS**  
10 **ARTICLE ..... 12 POINTS**

11 21–1124.1.

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

13 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public  
14 Safety Article.

15 (3) “Text messaging device” means a handheld device used to send a  
16 text message or an electronic message via a short message service, wireless telephone  
17 service, or electronic communication network.

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

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

22 (1) A global positioning system; or

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

24 (d) (1) If the Administration receives satisfactory evidence that an  
25 individual who is under the age of 18 years has violated this section, the  
26 Administration:

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

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

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



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

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

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

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

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

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

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

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

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

19           (iii) For a third or subsequent offense, a fine of not more than  
20 \$175.

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

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

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

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

30 **21-1124.3.**

31          **(A) A PERSON MAY NOT COMMIT A VIOLATION OF § 21-1124.1 OR §**  
32 **21-1124.2 OF THIS SUBTITLE THAT CONTRIBUTES TO AN ACCIDENT THAT**

1 RESULTS IN THE DEATH OR, AS DEFINED IN § 27-113 OF THIS ARTICLE, SERIOUS  
2 BODILY INJURY OF ANOTHER.

3 (B) IF A PERSON IS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT  
4 RESULTS IN THE DEATH OF OR A LIFE THREATENING INJURY TO ANOTHER  
5 PERSON AND THE PERSON IS DETAINED BY A POLICE OFFICER WHO HAS  
6 REASONABLE GROUNDS TO BELIEVE THAT THE PERSON HAS BEEN DRIVING  
7 WHILE USING A TEXT MESSAGING DEVICE OR A HANDHELD TELEPHONE IN  
8 VIOLATION OF § 21-1124.1 OR § 21-1124.2 OF THIS SUBTITLE, THE PERSON  
9 SHALL PROVIDE THE OFFICER WITH THE FOLLOWING INFORMATION  
10 REGARDING THE DEVICE:

11 (1) THE TELEPHONE NUMBER ASSOCIATED WITH THE DEVICE;

12 (2) THE IDENTITY OF THE SERVICE CARRIER FOR THE DEVICE;  
13 AND

14 (3) ANY ELECTRONIC MAIL ADDRESS ASSOCIATED WITH THE  
15 DEVICE.

16 27-115.

17 A PERSON WHO VIOLATES § 21-1124.3(A) OF THIS ARTICLE IS GUILTY OF  
18 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT  
19 MORE THAN 3 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

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