

HOUSE BILL 242

R5
HB 212/16 – ENV

7lr0756

By: **Delegates Turner, Atterbeary, Barkley, Brooks, Ebersole, Hill, Hixson, Jalisi,
Lam, Pendergrass, B. Wilson, and C. Wilson**

Introduced and read first time: January 23, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Use of Handheld Telephone While Driving – Penalty**

3 FOR the purpose of repealing certain fines and increasing the maximum fine for a violation
4 of certain prohibitions against using a handheld telephone while driving a motor
5 vehicle; making certain stylistic changes; and generally relating to the prohibition
6 against using a handheld telephone while driving a motor vehicle.

7 BY repealing and reenacting, with amendments,

8 Article – Transportation

9 Section 21–1124.2

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Transportation

14 Section 27–101(a) and (b)

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Transportation**

20 21–1124.2.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) "9-1-1 system" has the meaning stated in § 1-301 of the Public Safety
2 Article.

3 (b) This section does not apply to:

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

5 (i) A 9-1-1 system;

6 (ii) A hospital;

7 (iii) An ambulance service provider;

8 (iv) A fire department;

9 (v) A law enforcement agency; or

10 (vi) A first aid squad;

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

13 (i) Law enforcement personnel; and

14 (ii) Emergency personnel;

15 (3) Use of a handheld telephone as a text messaging device as defined in §
16 21-1124.1 of this subtitle; and

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

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

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

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

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

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

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

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

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

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

9 (2)] Points may not be assessed against [the] AN individual under § 16-402
10 of this article unless [the offense] **A VIOLATION OF THIS SECTION** contributes to an
11 accident.

12 (f) The court may waive [a] **THE** penalty [under subsection (e)] **FOR A**
13 **VIOLATION** of this section for [a person] **AN INDIVIDUAL** who:

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

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

19 27-101.

20 (a) It is a misdemeanor for any person to violate any of the provisions of the
21 Maryland Vehicle Law unless the violation:

22 (1) Is declared to be a felony by the Maryland Vehicle Law or by any other
23 law of this State; or

24 (2) Is punishable by a civil penalty under the applicable provision of the
25 Maryland Vehicle Law.

26 (b) Except as otherwise provided in this section, any person convicted of a
27 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is
28 subject to a fine of not more than \$500.

29 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect
30 October 1, 2017.