## **HOUSE BILL 89**

R5 9lr0726 HB 42/18 - ENV

By: Delegates Ebersole and Atterbeary

Introduced and read first time: January 17, 2019 Assigned to: Environment and Transportation

## A BILL ENTITLED

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 stylistic changes; and generally relating to the prohibition against
- 6 using a handheld telephone while driving a motor vehicle.
- 7 BY repealing and reenacting, with amendments,
- 8 Article Transportation
- 9 Section 21–1124.2

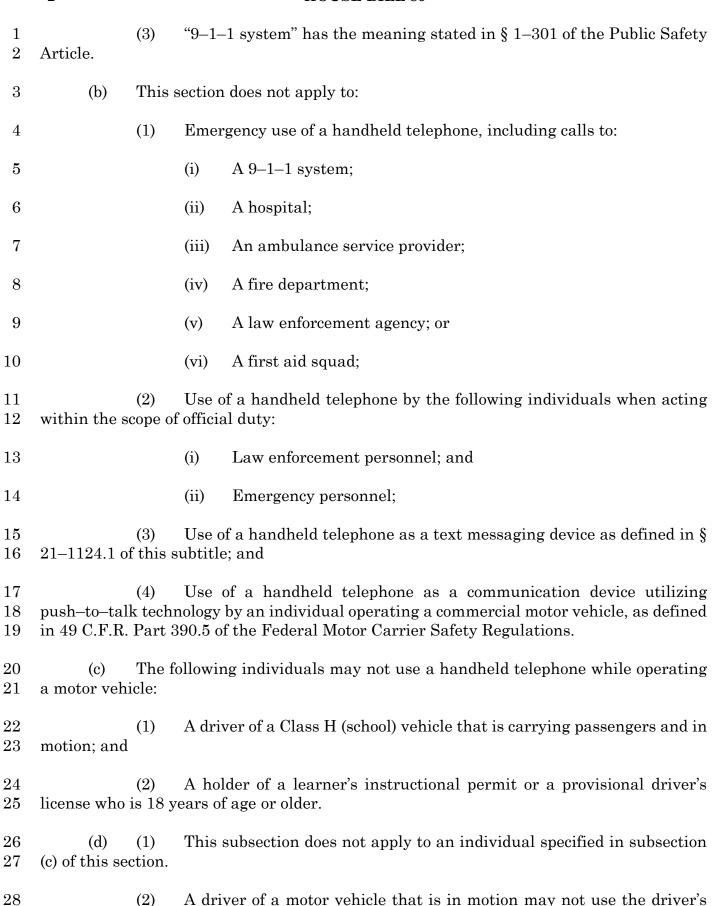
AN ACT concerning

1

- 10 Annotated Code of Maryland
- 11 (2012 Replacement Volume and 2018 Supplement)
- 12 BY repealing and reenacting, without amendments,
- 13 Article Transportation
- 14 Section 27–101
- 15 Annotated Code of Maryland
- 16 (2012 Replacement Volume and 2018 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 "Handheld telephone" means a handheld device used to access wireless
- 23 telephone service.



29



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. 1 2 A person convicted of a violation of this section is subject to the (e) (1)3 following penalties: 4 (i) For a first offense, a fine of not more than \$75; For a second offense, a fine of not more than \$125; and 5 (ii) 6 (iii) For a third or subsequent offense, a fine of not more than \$175. 7 Points may not be assessed against [the] AN individual under § 16–402 8 of this article unless [the offense] A VIOLATION OF THIS SECTION contributes to an 9 accident. 10 The court may waive [a] THE penalty [under subsection (e)] FOR A VIOLATION of this section for [a person] AN INDIVIDUAL who: 11 12 Is convicted of a first offense under this section; and (1) 13 (2) Provides proof that the [person] INDIVIDUAL has acquired a hands-free accessory, an attachment or add-on, a built-in feature, or an addition for the 14 [person's] INDIVIDUAL'S handheld telephone that will allow the [person] INDIVIDUAL to 15 operate a motor vehicle in accordance with this section. 16 17 27-101.A person who violates a provision of the Maryland Vehicle Law is guilty of a 18 misdemeanor unless the violation: 19 20 Is a felony under the Maryland Vehicle Law; or (1) 21(2)Is punishable by a civil penalty under the applicable provision of the 22Maryland Vehicle Law. 23 Except as otherwise provided in the Maryland Vehicle Law, a person convicted 24of a misdemeanor for violation of a provision of the Maryland Vehicle Law is subject to a 25fine not exceeding \$500.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.