

# SENATE BILL 2

R5  
SB 44/07 – JPR

(PRE-FILED)

8lr0487

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By: **Senator Lenett**  
Requested: August 10, 2007  
Introduced and read first time: January 9, 2008  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Use of Wireless Communication Devices While Driving –**  
3 **Prohibitions**

4 FOR the purpose of prohibiting a driver of a certain school vehicle from using certain  
5 wireless communication devices; prohibiting a holder of a learner’s instructional  
6 permit or provisional driver’s license who is 18 years of age or older from driving  
7 a motor vehicle while using certain wireless communication devices; prohibiting  
8 a certain driver of a motor vehicle that is in motion from using the driver’s  
9 hands to use certain wireless communication devices except under certain  
10 circumstances; establishing penalties for a violation of this Act; authorizing the  
11 court to waive a certain penalty under certain circumstances; providing for  
12 exceptions to certain provisions of this Act relating to prohibitions on using  
13 wireless communication devices while driving; defining certain terms; and  
14 generally relating to prohibitions against the use of wireless communication  
15 devices while operating a motor vehicle.

16 BY repealing and reenacting, without amendments,  
17 Article – Transportation  
18 Section 21–1124  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume and 2007 Supplement)

21 BY adding to  
22 Article – Transportation  
23 Section 21–1124.1  
24 Annotated Code of Maryland  
25 (2006 Replacement Volume and 2007 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 **Article – Transportation**

2 21–1124.

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

4 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public  
5 Safety Article.

6 (3) “Wireless communication device” means:

7 (i) A handheld or hands–free device used to access a wireless  
8 telephone service; or

9 (ii) A text messaging device.

10 (b) This section does not apply to the use of a wireless communication device  
11 to contact a 9–1–1 system.

12 (c) A holder of a learner’s instructional permit or a provisional driver’s  
13 license who is under the age of 18 years may not use a wireless communication device  
14 while operating a motor vehicle.

15 (d) A police officer may enforce this section only as a secondary action when  
16 the police officer detains a driver for a suspected violation of another provision of the  
17 Code.

18 (e) (1) If the Administration receives satisfactory evidence that an  
19 individual has violated this section, the Administration:

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

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

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

25 2. For the purpose of driving to or from a place of  
26 employment; or

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

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

30 **21–1124.1.**

1           (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
2 MEANINGS INDICATED.

3                   (2) “9-1-1 SYSTEM” HAS THE MEANING STATED IN § 1-301 OF  
4 THE PUBLIC SAFETY ARTICLE.

5                   (3) “WIRELESS COMMUNICATION DEVICE” HAS THE MEANING  
6 STATED IN § 21-1124(A) OF THIS SUBTITLE.

7           (B) THIS SECTION DOES NOT APPLY TO:

8                   (1) EMERGENCY USE OF A WIRELESS COMMUNICATION DEVICE,  
9 INCLUDING CALLS TO:

10                           (I) A 9-1-1 SYSTEM;

11                           (II) A HOSPITAL;

12                           (III) AN AMBULANCE SERVICE PROVIDER;

13                           (IV) A FIRE DEPARTMENT;

14                           (V) A LAW ENFORCEMENT AGENCY; OR

15                           (VI) A FIRST AID SQUAD; AND

16                   (2) USE OF A WIRELESS COMMUNICATION DEVICE BY THE  
17 FOLLOWING INDIVIDUALS, WHEN ACTING WITHIN THE SCOPE OF OFFICIAL  
18 DUTY:

19                           (I) LAW ENFORCEMENT PERSONNEL; AND

20                           (II) EMERGENCY PERSONNEL.

21           (C) THE FOLLOWING INDIVIDUALS MAY NOT USE A WIRELESS  
22 COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE:

23                   (1) A DRIVER OF A CLASS H (SCHOOL) VEHICLE THAT IS  
24 CARRYING PASSENGERS AND IS IN MOTION; AND

25                   (2) A HOLDER OF A LEARNER’S INSTRUCTIONAL PERMIT OR A  
26 PROVISIONAL DRIVER’S LICENSE WHO IS 18 YEARS OF AGE OR OLDER.

1           **(D) (1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL**  
2 **SPECIFIED IN SUBSECTION (C) OF THIS SECTION.**

3           **(2) A DRIVER OF A MOTOR VEHICLE THAT IS IN MOTION MAY NOT**  
4 **USE THE DRIVER'S HANDS TO USE A WIRELESS COMMUNICATION DEVICE OTHER**  
5 **THAN TO INITIATE OR TERMINATE A WIRELESS TELEPHONE CALL OR TO TURN**  
6 **THE WIRELESS COMMUNICATION DEVICE ON OR OFF.**

7           **(E) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS**  
8 **SUBJECT TO THE FOLLOWING PENALTIES:**

9                           **(I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN**  
10 **\$100; AND**

11                           **(II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF**  
12 **\$250.**

13           **(2) FOR A FIRST OFFENSE UNDER THIS SECTION, POINTS MAY**  
14 **NOT BE ASSESSED AGAINST THE INDIVIDUAL UNDER § 16-402 OF THIS ARTICLE**  
15 **UNLESS THE OFFENSE CONTRIBUTES TO AN ACCIDENT.**

16           **(F) THE COURT MAY WAIVE A PENALTY UNDER SUBSECTION (E) OF THIS**  
17 **SECTION FOR A PERSON WHO:**

18                           **(1) IS CONVICTED OF A FIRST OFFENSE UNDER THIS SECTION;**  
19 **AND**

20                           **(2) PROVIDES PROOF THAT THE PERSON HAS ACQUIRED A**  
21 **HANDS-FREE ACCESSORY, AN ATTACHMENT OR ADD-ON, A BUILT-IN FEATURE,**  
22 **OR AN ADDITION FOR THE PERSON'S WIRELESS COMMUNICATION DEVICE THAT**  
23 **WILL ALLOW THE PERSON TO OPERATE A MOTOR VEHICLE IN ACCORDANCE**  
24 **WITH THIS SECTION.**

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2008.