

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**

House Bill 321 (Delegate Stukes, *et al.*)  
Environmental Matters

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**Transportation - Transit Vehicle Operators - Prohibition on Use of Wireless  
Communication Devices**

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This bill prohibits the use of a wireless communication device, such as a cell phone, while operating a Maryland Transit Administration (MTA) transit vehicle. A person found in violation is guilty of a misdemeanor and subject to a maximum fine of \$500.

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**Fiscal Summary**

**State Effect:** Minimal general fund revenue increase due to the penalty provision applicable to this offense. No effect on expenditures as enforcement could be handled with existing resources.

**Local Effect:** None. Enforcement could be handled with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Section 7-705(b) of the Transportation Article currently makes 13 acts unlawful when committed in MTA or MARC transit vehicles and facilities.

Current MTA rules and regulations state that an operator's use of a cell phone, with or without a headset, while operating a bus can result in immediate disciplinary action up to and including termination.

**Background:** All MTA buses have two-way radios which enable communication with the Bus Operations Control Center (OCC). If a bus operator discovers that the radio is defective, and the operator chooses to use a cell phone due to an emergency, the operator must first pull over and secure the coach. There are two-way radios in the control cabs of all Metro subway cars and light rail cars that enable communication with the Metro OCC and the light rail dispatching center.

Currently, when an MTA vehicle operator is given a ticket by local police for a traffic violation (*e.g.*, running a stop sign), it is the operator's responsibility to pay the fine. MTA does not pay for traffic violations incurred while an operator is on the job.

According to the National Conference of State Legislatures, no state has enacted legislation to prohibit the use of cell phones in vehicles used for public transit, other than school vehicles. According to the Governors Highway Safety Association, 14 states (Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Illinois, Kentucky, Massachusetts, New Jersey, North Carolina, Rhode Island, Tennessee, and Texas) and the District of Columbia prohibit the operators of school vehicles that carry passengers from using a wireless telephone device while driving. At least 28 states and the District of Columbia have laws restricting the use of wireless devices in private passenger motor vehicles. Provisions in California, Connecticut, New Jersey, New York, Washington, and the District of Columbia prohibit the use of hand-held phones by all drivers while operating a private passenger motor vehicle. Every state and the District of Columbia has considered legislation in the area of driving and cell phone use during the last three years.

A persistent issue with the use of wireless devices in motor vehicles has been the mixed results of published studies; however, more recent studies have indicated a stronger connection between cell phone use and risky driving behavior. A 2006 study of real world driver behavior, completed by the National Highway Traffic Safety Administration and the Virginia Tech Transportation Institute, concluded that the most common distraction for drivers is cell phone use. Also, the number of crashes and near-crashes resulting from dialing a cell phone was nearly identical to the number of accidents resulting from listening or talking; although dialing is more dangerous, it occurs less often than listening or talking.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Maryland  
Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2008  
mcp/lgc

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