

HOUSE BILL 222

R5

11r1265

By: **Delegate Malone**

Introduced and read first time: January 28, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Use of Wireless Communication Device – Prohibited Acts**
3 **and Enforcement**

4 FOR the purpose of repealing certain provisions of law that require enforcement as a
5 secondary offense of certain violations involving the use of a wireless
6 communication device while operating a motor vehicle; repealing certain
7 provisions of law that apply certain prohibitions involving the use of a wireless
8 communication device to certain operators of certain motor vehicles only if the
9 motor vehicle is in motion; providing that certain prohibitions against the use of
10 a wireless communication device while operating a motor vehicle only apply if
11 the vehicle is in the travel portion of the roadway; making a certain technical
12 correction; and generally relating to the use of wireless communication devices
13 while operating a motor vehicle.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 21–1124 and 21–1124.2
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2010 Supplement)

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

21 **Article – Transportation**

22 21–1124.

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

24 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public
25 Safety Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “Wireless communication device” means:

2 (i) A handheld or hands-free device used to access a wireless
3 telephone service; or

4 (ii) A text messaging device.

5 (b) This section does not apply to the use of a wireless communication device
6 to contact a 9-1-1 system.

7 (c) A [holder of a learner’s instructional permit or a provisional driver’s
8 license] **PERSON** who is under the age of 18 years may not use a wireless
9 communication device while operating a motor vehicle **IN THE TRAVEL PORTION OF**
10 **THE ROADWAY**.

11 (d) [A police officer may enforce this section only as a secondary action when
12 the police officer detains a driver for a suspected violation of another provision of the
13 Code.

14 (e)] (1) If the Administration receives satisfactory evidence that an
15 individual has violated this section, the Administration:

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

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

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

21 2. For the purpose of driving to or from a place of
22 employment; or

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

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

26 21-1124.2.

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

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

1 (3) “9–1–1 system” has the meaning stated in § 1–301 of the Public
2 Safety 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
12 acting 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
16 in § 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
19 defined in 49 CFR Part 390.5 of the Federal Motor Carrier Safety Regulations.

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

22 (1) A driver of a Class H (school) vehicle that is carrying passengers
23 and in [motion] **THE TRAVEL PORTION OF THE ROADWAY**; 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
27 subsection (c) of this section.

28 (2) A driver of a motor vehicle that is in [motion] **THE TRAVEL**
29 **PORTION OF THE ROADWAY** may not use the driver’s hands to use a handheld

1 telephone other than to initiate or terminate a wireless telephone call or to turn on or
2 turn off the handheld telephone.

3 (e) [A police officer may enforce this section only as a secondary action when
4 the police officer detains a driver for a suspected violation of another provision of the
5 Code.

6 (f) (1) A person convicted of a violation of this section is subject to the
7 following penalties:

8 (i) For a first offense, a fine of not more than \$40; and

9 (ii) For a second or subsequent offense, a fine of \$100.

10 (2) For a first offense under this section, points may not be assessed
11 against the individual under § 16-402 of this article unless the offense contributes to
12 an accident.

13 [(g)] (F) The court may waive a penalty under subsection [(f)] (E) of this
14 section for a person who:

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2011.