

HOUSE BILL 1355

R5

11r3144

By: **Delegate Jameson**

Rules suspended

Introduced and read first time: March 29, 2011

Rules suspended

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Driving Instructors – Use of Wireless Communication Device**

3 FOR the purpose of prohibiting a driving instructor from using a wireless
4 communication device while a student driver is operating a motor vehicle except
5 to turn off the device; providing that certain violations of this Act may be
6 enforced only as a secondary offense; establishing penalties for certain
7 violations of this Act; establishing a certain exception to the prohibition on use
8 of a wireless communication device by a driving instructor; requiring licensed
9 drivers' schools to display a certain notice in vehicles used for instruction;
10 requiring the Motor Vehicle Administration to specify the form, size, design,
11 and manner required for a certain notice; defining certain terms; and generally
12 relating to drivers' instruction and wireless communication devices.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 15–701 and 15–708
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2010 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Transportation
20 Section 15–801(b) and 21–1124(a)(3)
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2010 Supplement)

23 BY adding to
24 Article – Transportation
25 Section 21–1124.3
26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2009 Replacement Volume and 2010 Supplement)

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

Article – Transportation

15–701.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Drivers’ school” means, except as provided in paragraph (2) of this subsection, any person in the business of giving instruction in the driving of motor vehicles.

(2) “Drivers’ school” does not include:

(i) Any public school or other noncollegiate educational institution giving instruction in the driving of motor vehicles during its normal school hours and not charging a fee for this instruction; or

(ii) Any college, university, or other institution of postsecondary education approved by the Maryland Higher Education Commission.

(C) “DRIVING INSTRUCTOR” HAS THE MEANING STATED IN § 15–801 OF THIS TITLE.

[(c)] (D) “License” means a drivers’ school license issued by the Administration under this subtitle.

(E) “STUDENT DRIVER” MEANS AN INDIVIDUAL WHO RECEIVES INSTRUCTION IN THE DRIVING OF A MOTOR VEHICLE FROM A DRIVING INSTRUCTOR.

15–708.

(A) Each licensee shall maintain all vehicles used for instruction in the condition that the Administration requires.

(B) (1) EACH LICENSEE SHALL DISPLAY IN ALL VEHICLES USED FOR INSTRUCTION A NOTICE THAT STATES THAT A DRIVING INSTRUCTOR MAY NOT USE A WIRELESS COMMUNICATION DEVICE WHILE A STUDENT DRIVER IS OPERATING THE MOTOR VEHICLE.

(2) THE ADMINISTRATION SHALL SPECIFY THE FORM, SIZE, DESIGN, AND MANNER REQUIRED FOR THE NOTICE.

1 15-801.

2 (b) "Driving instructor" means any individual who:

3 (1) For compensation, under any form of agreement or arrangement
4 with a drivers' school, gives or offers to give instruction in the driving of motor
5 vehicles; or

6 (2) Otherwise gives or offers to give any other individual instruction in
7 the driving of motor vehicles and receives or expects to receive compensation for that
8 instruction.

9 21-1124.

10 (a) (3) "Wireless communication device" means:

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

13 (ii) A text messaging device.

14 **21-1124.3.**

15 (A) (1) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
16 MEANINGS INDICATED.

17 (2) "DRIVING INSTRUCTOR" HAS THE MEANING STATED IN §
18 15-801 OF THIS ARTICLE.

19 (3) "9-1-1 SYSTEM" HAS THE MEANING STATED IN § 1-301 OF
20 THE PUBLIC SAFETY ARTICLE.

21 (4) "STUDENT DRIVER" HAS THE MEANING STATED IN § 15-701
22 OF THIS ARTICLE.

23 (5) "WIRELESS COMMUNICATION DEVICE" HAS THE MEANING
24 STATED IN § 21-1124 OF THIS SUBTITLE.

25 (B) THIS SECTION DOES NOT APPLY TO THE USE OF A WIRELESS
26 COMMUNICATION DEVICE TO CONTACT A 9-1-1 SYSTEM.

27 (C) A DRIVING INSTRUCTOR MAY NOT USE A WIRELESS
28 COMMUNICATION DEVICE WHILE A STUDENT DRIVER IS OPERATING A MOTOR
29 VEHICLE OTHER THAN TO TURN OFF THE WIRELESS COMMUNICATION DEVICE.

1 **(D) A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A**
2 **SECONDARY ACTION WHEN A POLICE OFFICER DETAINS A STUDENT DRIVER FOR**
3 **A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**

4 **(E) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS**
5 **SUBJECT TO THE FOLLOWING PENALTIES:**

6 **(1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$40; AND**

7 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF \$100.**

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