

HOUSE BILL 1477

R5

7lr3217

By: **Delegates McMillan, Holmes, and Jalisi**
Introduced and read first time: February 10, 2017
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Wireless Communication Devices – Prohibited Acts**

3 FOR the purpose of repealing a certain provision of law that applies a certain prohibition
4 involving the use of a wireless communication device to drivers of Class H (school)
5 vehicles only if the motor vehicle is in motion; providing that certain prohibitions
6 against the use of a wireless communication device by a driver of a Class H (school)
7 vehicle or a minor while operating a motor vehicle apply only if the motor vehicle is
8 in the travel portion of the roadway; and generally relating to prohibitions against
9 the use of a wireless communication device while operating a motor vehicle.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 21–1124 and 21–1124.2
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2016 Supplement)

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

17 **Article – Transportation**

18 21–1124.

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

20 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public Safety
21 Article.

22 (3) “Wireless communication device” means a handheld or hands–free
23 device used to access a wireless telephone service.

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



1 (b) This section does not apply to the use of a wireless communication device:

2 (1) To contact a 9–1–1 system; or

3 (2) As a text messaging device as defined in § 21–1124.1 of this subtitle.

4 (c) An individual who is under the age of 18 years may not use a wireless
5 communication device while operating a motor vehicle **IN THE TRAVEL PORTION OF THE**
6 **ROADWAY.**

7 (d) (1) If the Administration receives satisfactory evidence that an individual
8 has violated this section, the Administration:

9 (i) May suspend the individual’s driver’s license for not more than
10 90 days; and

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

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

14 2. For the purpose of driving to or from a place of
15 employment; or

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

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

19 21–1124.2.

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

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

23 (3) “9–1–1 system” has the meaning stated in § 1–301 of the Public Safety
24 Article.

25 (b) This section does not apply to:

26 (1) Emergency use of a handheld telephone, including calls to:

27 (i) A 9–1–1 system;

28 (ii) A hospital;

1 (iii) An ambulance service provider;

2 (iv) A fire department;

3 (v) A law enforcement agency; or

4 (vi) A first aid squad;

5 (2) Use of a handheld telephone by the following individuals when acting
6 within the scope of official duty:

7 (i) Law enforcement personnel; and

8 (ii) Emergency personnel;

9 (3) Use of a handheld telephone as a text messaging device as defined in §
10 21-1124.1 of this subtitle; and

11 (4) Use of a handheld telephone as a communication device utilizing
12 push-to-talk technology by an individual operating a commercial motor vehicle, as defined
13 in 49 C.F.R. Part 390.5 of the Federal Motor Carrier Safety Regulations.

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

16 (1) A driver of a Class H (school) vehicle that is carrying passengers and in
17 [motion] **THE TRAVEL PORTION OF THE ROADWAY**; and

18 (2) A holder of a learner's instructional permit or a provisional driver's
19 license who is 18 years of age or older.

20 (d) (1) This subsection does not apply to an individual specified in subsection
21 (c) of this section.

22 (2) A driver of a motor vehicle that is in motion may not use the driver's
23 hands to use a handheld telephone other than to initiate or terminate a wireless telephone
24 call or to turn on or turn off the handheld telephone.

25 (e) (1) A person convicted of a violation of this section is subject to the
26 following penalties:

27 (i) For a first offense, a fine of not more than \$75;

28 (ii) For a second offense, a fine of not more than \$125; and

29 (iii) For a third or subsequent offense, a fine of not more than \$175.

1 (2) Points may not be assessed against the individual under § 16–402 of
2 this article unless the offense contributes to an accident.

3 (f) The court may waive a penalty under subsection (e) of this section for a person
4 who:

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

6 (2) Provides proof that the person has acquired a hands–free accessory, an
7 attachment or add–on, a built–in feature, or an addition for the person’s handheld
8 telephone that will allow the person to operate a motor vehicle in accordance with this
9 section.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2017.