

# HOUSE BILL 222

R5

1lr1265

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By: ~~Delegate Malone~~ Delegates Malone, Clagett, Frush, Glenn, Howard, Stein, and Wilson

Introduced and read first time: January 28, 2011

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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; altering the penalty imposed  
12 for a violation of a certain prohibition on the use of a handheld telephone while  
13 operating a motor vehicle; repealing a certain provision of law prohibiting,  
14 under certain circumstances, a certain assessment of points for a first violation  
15 of a certain prohibition on the use of a handheld telephone while operating a  
16 motor vehicle; making a certain technical correction; and generally relating to  
17 the use of wireless communication devices while operating a motor vehicle.

18 BY repealing and reenacting, with amendments,  
19 Article – Transportation  
20 Section 21–1124 and 21–1124.2  
21 Annotated Code of Maryland  
22 (2009 Replacement Volume and 2010 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,  
2 Article – Transportation  
3 Section 27–101(a) and (b)  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2010 Supplement)

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

8 **Article – Transportation**

9 21–1124.

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

11 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public  
12 Safety Article.

13 (3) “Wireless communication device” means:

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

16 (ii) A text messaging device.

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

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

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

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

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

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

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



1 (4) Use of a handheld telephone as a communication device utilizing  
 2 push-to-talk technology by an individual operating a commercial motor vehicle, as  
 3 defined in 49 CFR Part 390.5 of the Federal Motor Carrier Safety Regulations.

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

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

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

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

12 (2) A driver of a motor vehicle that is in [motion] **THE TRAVEL**  
 13 **PORTION OF THE ROADWAY** may not use the driver's hands to use a handheld  
 14 telephone other than to initiate or terminate a wireless telephone call or to turn on or  
 15 turn off the handheld telephone.

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

19 (f) ~~(1) A person convicted of a violation of this section is subject to the~~  
 20 ~~following penalties:~~

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

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

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

26 ~~(c) (F)~~ The court may waive a penalty under subsection ~~(f) (E)~~ **THE**  
 27 **PENALTY FOR A VIOLATION** of this section for a person who:

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

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

1           (a) It is a misdemeanor for any person to violate any of the provisions of the  
2 Maryland Vehicle Law unless the violation:

3                   (1) Is declared to be a felony by the Maryland Vehicle Law or by any  
4 other law of this State; or

5                   (2) Is punishable by a civil penalty under the applicable provision of  
6 the Maryland Vehicle Law.

7           (b) Except as otherwise provided in this section, any person convicted of a  
8 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is  
9 subject to a fine of not more than \$500.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.