

**A008-0708**

10 An Act Concerning

20 **Cell Phone Use While Driving-Creation of Penalties for Talking While Driving**

30 FOR the purpose of ensuring that people are not distracted by holding cell phones while  
40 driving.

50 BY enacting

60 Article – Transportation

70 Title 10. Vehicle Laws – Rules of the Road

80 Subtitle 11. Miscellaneous Rules

90 Annotated Code of Maryland

90 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE.

100 That the Laws of Maryland read as follows:

110 Article – Transportation

120 **§ 21-1127. Use of a handheld cell phone while driving.**

130 (a) *Definitions.*-

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

150 (2) "9-1-1 system" has the meaning stated in § 1-301 of the Public Safety Article.

160 (3) "Wireless communication device" means:

170 (i) A handheld device used to access a wireless telephone service; or

180 (ii) A text messaging device.

190 (b) *Applicability of section.*- This section does not apply to the use of a wireless communication  
200 device to contact a 9-1-1 system.

210 (c) *Prohibition.*- A holder of any class of drivers license may not use a wireless communication  
220 device while operating a motor vehicle.

230 (d) *Enforcement.*- A police officer may enforce this section as a secondary offense of the motor  
240 vehicle code.

250 (e) *Penalty.*-

260 (1) The first offense is punishable by a fine not exceeding \$100.

270 (2) The second offense is punishable by a fine not exceeding \$400.

280 (3) A third or more offenses are punishable by a fine and a court date to determine a possible

290 suspension of the license.

300 (f) *Suspension.*-

310 (1) If the Administration receives satisfactory evidence that an individual has violated this  
320 section three or more times, the Administration:

330 (i) May suspend the individual's driver's license for not more than 90 days; and

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

360 1. In the course of the individual's employment;

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

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

390 (2) An individual may request a hearing as provided for a suspension or revocation under Title  
400 12, Subtitle 2 of this article.

410 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1,  
420 2009.

430 **MANDATES:**

440 Martin O'Malley, Governor

450 Michael Busch, Speaker of the House

460 Kumar Barve, Houes Majority Leader

470 Anthony O'Donnell, House Minority Leader

480 Thomas V. "Mike" Miller, President of the Senate

490 Edward Kasemeyer, Senate Majority Leader

500 David Brinkley, Senate Minority Leader

**SPONSOR:**

Paul R. Schuman, Co-DCP, UMBC

Scott T. Besore, Co-DCP, UMBC, Tory Caucus Leader