

A006-0809

10 **AN ACT CONCERNING**

20 Vehicle Laws – Use of Wireless Communication Devices While Driving – Prohibitions

30 FOR the purpose of the safety and protection of Maryland Citizens while on the road.

40 BY repealing and reenacting, with amendments

50 Article Transportation

60 Section 21-1124.1

70 Maryland Annotated Code (2008)

80 SECTION 1: BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the Laws of
90 Maryland read as follows:

100 § 21-1124 Transportation

- 110 (a) (1) In this section the following words have the meanings indicated.
120 (2) “9–1–1 system” has the meaning stated in § 1–301 of the Public Safety
130 Article.
140 (3) “Wireless communication device” means:
150 (i) A handheld or hands–free device used to access a wireless telephone
160 service; or
170 (ii) A text messaging device.
180 (b) This section does not apply to the use of a wireless communication device to contact
190 a 9–1–1 system.
200 (c) A holder of a learner’s instructional permit or a provisional driver’s license who is
210 under the age of 18 years may not use a wireless communication device while
220 operating a motor vehicle.
230 (d) A police officer may enforce this section only as a secondary action when the police
240 officer detains a driver for a suspected violation of another provision of the Code.
250 (e) (1) If the Administration receives satisfactory evidence that an individual has
260 violated this section, the Administration:
270 (i) May suspend the individual’s driver’s license for not more than 90
280 days; and
290 (ii) May issue a restricted license for the period of suspension that is
300 limited to driving a motor vehicle:
310 1. In the course of the individual’s employment;
320 2. For the purpose of driving to or from a place of
330 employment; or
340 3. For the purpose of driving to or from school.
350 (2) An individual may request a hearing as provided for a suspension or
360 revocation under Title 12, Subtitle 2 of this article.

370 §21-1124.1

- 380 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE FOLLOWING MEANINGS
390 INDICATED.
340 (2) “9-11 SYSTEM” HAS THE MEANING STATE IN §1-301 OF THE PUBLIC SAFETY
350 ARTICLE.
350 (3) “WIRELESS COMMUNICATION DEVICE” HAS THE MEANING STATED IN
360 §21-1124(A) OF THIS SUBTITLE.

- 370 (B) THIS SECTION DOES NOT APPLY TO:
380 (1) USE OF A WIRELESS COMMUNICATION DEVICE TO CALL A 9-1-1 SYSTEM FOR
390 THE PURPOSES RELATED TO AN EMERGENCY THAT IS ONGOING AT THE
400 TIME THE CALL IS MADE.
410 (2) USE OF A WIRELESS COMMUNICATION DEVICE BY THE FOLLOWING
420 INDIVIDUALS, WHEN ACTING WITHIN THE SCOPE OF OFFICIAL DUTY:
430 (I) FIRST RESPONDERS, AS DEFINED IN §18-213.2 OF THE HEALTH –
440 GENERAL ARTICLE;
450 (II) STATE HIGHWAY ADMINISTRATION EMPLOYEES OR CONTRACTORS
460 ACTING UNDER THE AUTHORITY OF §8-602 OF THIS ARTICLE IN AN
470 EMERGENCY SITUATION; AND
480 (III) AN INDIVIDUAL DRIVING FOR A TRANSPORTATION SERVICE OPERATING
490 UNDER §2-103.3 OF THIS ARTICLE; AND
500 (3) USE OF A TWO-WAY RADIO THAT OPERATES WITH PUSH-TO-TALK
510 TECHNOLOGY BY AN INDIVIDUAL OPERATING A COMMERCIAL MOTOR
520 VEHICLE, AS DEFINED IN §16-803 OF THIS ARTICLE.
- 530 (C) THE FOLLOWING INDIVIDUALS MAY NOT USE A WIRELESS COMMUNICATION DEVICE
540 WHILE OPERATING A MOTOR VEHICLE:
550 (1) A DRIVER OF A CLASS H (SCHOOL) VEHICLE THAT IS CARRYING PASSENGERS
560 AND IS IN MOTION; AND
570 (2) A HOLDER OF A LEARNER'S INSTRUCTIONAL PERMIT OR A PROVISIONAL
580 DRIVER'S LICENSE WHO IS 18 YEARS OF AGE OR OLDER.
- 590 (D) (1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL SPECIFIED IN
600 SUBSECTION (C) OF THIS SECTION.
610 (2) A DRIVER OF A MOTOR VEHICLE THAT IS IN MOTION MAY NOT USE THE
620 DRIVER'S HANDS TO USE A WIRELESS COMMUNICATION DEVICE OTHER
630 THAN TO INITIATE OR TERMINATE A WIRELESS TELEPHONE CALL OR TO
640 TURN THE WIRELESS COMMUNICATION DEVICE ON OR OFF.
- 650 (E) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO THE
660 FOLLOWING PENALTIES:
670 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$50; AND
680 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF \$100.
690 (2) FOR A FIRST OFFENSE UNDER THIS SECTION POINT MAY NOT BE ASSESSED
700 AGAINST THE INDIVIDUAL UNDER § 16-402 IF THIS ARTICLE UNLESS THE
710 OFFENSE CONTRIBUTES TO AN ACCIDENT.
- 720 (F) THE COURT MAY WAIVE A PENALTY UNDER THE SUBSECTION (E) OF THIS SECTION
730 FOR A PERSON WHO:
740 (1) IS CONVICTED OF A FIRST OFFENSE UNDER THIS SECTION; AND
750 (2) PROVIDES PROOF THAT THE PERSON HAS ACQUIRED A HANDS-FREE
760 ACCESSORY, AN ATTACHMENT OR ADD-ON, A BUILT-IN FEATURE, OR AN
770 ADDITION FOR THE PERSON'S WIRELESS COMMUNICATION DEVICE THAT
780 WILL ALLOW THE PERSON TO OPERATE THE VEHICLE IN ACCORDANCE
790 WITH THIS SECTION.

800 SECTION 2 AND BE IT FURTHER ENACTED, that this Act shall take effect October 1, 2009.

810 **MANDATES:** Martin O'Malley, Governor of Maryland
820 Anthony G. Brown, Lieutenant Governor of Maryland
830 Thomas V. "Mike" Miller, Jr., President of the Maryland Senate
840 Michael E. Busch, Speaker of the Maryland House of Delegates
850 Edward J. Kasemeyer, Majority Leader of the Maryland Senate

860 David R. Brinkley, Minority Leader of the Maryland Senate
870 Sheila E. Hixson, Chair, Ways & Means Committee
880 Carolyn J. B. Howard, Chair, Transportation Subcommittee

SPONSOR

Governor Amanda Arkwright
College of Notre Dame of Maryland