

HOUSE BILL 89

R5
HB 42/18 – ENV

9lr0726

By: **Delegates Ebersole and Atterbeary**
Introduced and read first time: January 17, 2019
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Use of Handheld Telephone While Driving – Penalty**

3 FOR the purpose of repealing certain fines and increasing the maximum fine for a violation
4 of certain prohibitions against using a handheld telephone while driving a motor
5 vehicle; making stylistic changes; and generally relating to the prohibition against
6 using a handheld telephone while driving a motor vehicle.

7 BY repealing and reenacting, with amendments,
8 Article – Transportation
9 Section 21–1124.2
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2018 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 27–101
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2018 Supplement)

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

19 **Article – Transportation**

20 21–1124.2.

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

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

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



1 (3) "9-1-1 system" has the meaning stated in § 1-301 of the Public Safety
2 Article.

3 (b) This section does not apply to:

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

5 (i) A 9-1-1 system;

6 (ii) A hospital;

7 (iii) An ambulance service provider;

8 (iv) A fire department;

9 (v) A law enforcement agency; or

10 (vi) A first aid squad;

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

13 (i) Law enforcement personnel; and

14 (ii) Emergency personnel;

15 (3) Use of a handheld telephone as a text messaging device as defined in §
16 21-1124.1 of this subtitle; and

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

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

22 (1) A driver of a Class H (school) vehicle that is carrying passengers and in
23 motion; and

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

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

28 (2) A driver of a motor vehicle that is in motion may not use the driver's
29 hands to use a handheld telephone other than to initiate or terminate a wireless telephone

1 call or to turn on or turn off the handheld telephone.

2 (e) [(1) A person convicted of a violation of this section is subject to the
3 following penalties:

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

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

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

7 (2) Points may not be assessed against [the] AN individual under § 16–402
8 of this article unless [the offense] A VIOLATION OF THIS SECTION contributes to an
9 accident.

10 (f) The court may waive [a] THE penalty [under subsection (e)] FOR A
11 VIOLATION of this section for [a person] AN INDIVIDUAL who:

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

13 (2) Provides proof that the [person] INDIVIDUAL has acquired a
14 hands-free accessory, an attachment or add-on, a built-in feature, or an addition for the
15 [person's] INDIVIDUAL'S handheld telephone that will allow the [person] INDIVIDUAL to
16 operate a motor vehicle in accordance with this section.

17 27–101.

18 (a) A person who violates a provision of the Maryland Vehicle Law is guilty of a
19 misdemeanor unless the violation:

20 (1) Is a felony under the Maryland Vehicle Law; or

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

23 (b) Except as otherwise provided in the Maryland Vehicle Law, a person convicted
24 of a misdemeanor for violation of a provision of the Maryland Vehicle Law is subject to a
25 fine not exceeding \$500.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2019.