

# HOUSE BILL 242

R5  
HB 212/16 – ENV

7lr0756

---

By: **Delegates Turner, Atterbeary, Barkley, Brooks, Ebersole, Hill, Hixson, Jalisi,  
Lam, Pendergrass, B. Wilson, and C. Wilson**

Introduced and read first time: January 23, 2017

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 certain stylistic changes; and generally relating to the prohibition  
6 against 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 2016 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article – Transportation  
14 Section 27–101(a) and (b)  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2016 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.



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

(b) This section does not apply to:

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

(i) A 9–1–1 system;

(ii) A hospital;

(iii) An ambulance service provider;

(iv) A fire department;

(v) A law enforcement agency; or

(vi) A first aid squad;

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

(i) Law enforcement personnel; and

(ii) Emergency personnel;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27-101.

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

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

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

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

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