HOUSE BILL 242

R5 $HB\ 212/16 - ENV$

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

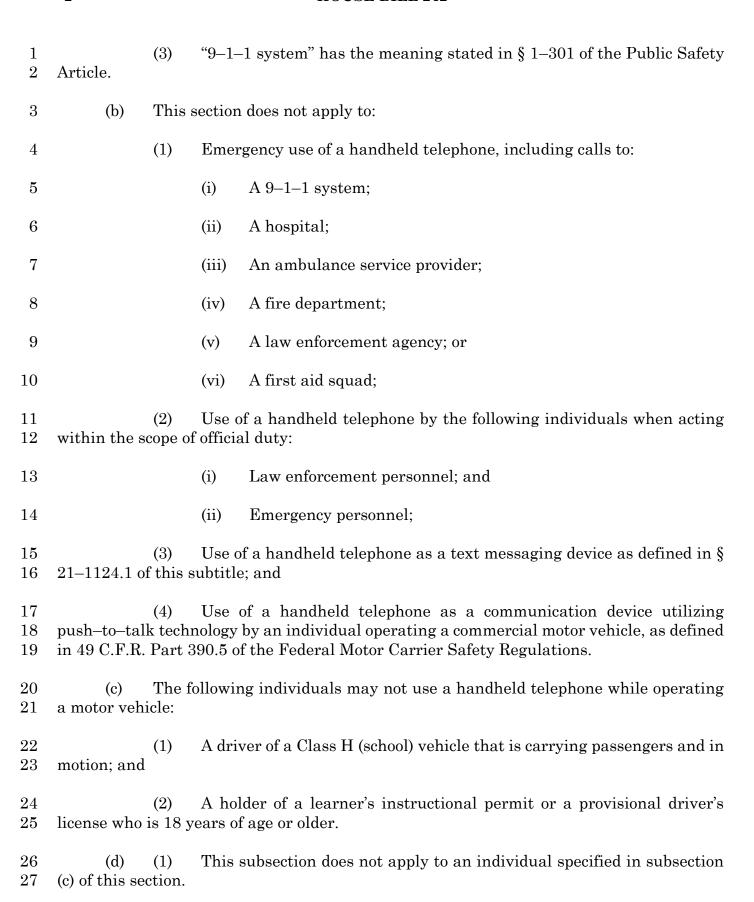
A BILL ENTITLED

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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
$\frac{4}{5}$	of certain prohibitions against using a handheld telephone while driving a motor 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:
4.0	
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
$\frac{-2}{23}$	telephone service.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





- 1 (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.
- 4 (e) [(1) A person convicted of a violation of this section is subject to the 5 following penalties:
- 6 (i) For a first offense, a fine of not more than \$75;
- 7 (ii) For a second offense, a fine of not more than \$125; and
- 8 (iii) For a third or subsequent offense, a fine of not more than \$175.
- 9 (2)] Points may not be assessed against [the] AN individual under § 16–402 10 of this article unless [the offense] A VIOLATION OF THIS SECTION contributes to an accident.
- 12 (f) The court may waive [a] THE penalty [under subsection (e)] FOR A
 13 VIOLATION of this section for [a person] AN INDIVIDUAL who:
- 14 (1) Is convicted of a first offense under this section; and
- 15 (2) Provides proof that the [person] INDIVIDUAL has acquired a
- 16 hands-free accessory, an attachment or add-on, a built-in feature, or an addition for the
- 17 [person's] INDIVIDUAL'S handheld telephone that will allow the [person] INDIVIDUAL to
- 18 operate a motor vehicle in accordance with this section.
- 19 27–101.
- 20 (a) It is a misdemeanor for any person to violate any of the provisions of the 21 Maryland Vehicle Law unless the violation:
- 22 (1) Is declared to be a felony by the Maryland Vehicle Law or by any other 23 law of this State; or
- 24 (2) Is punishable by a civil penalty under the applicable provision of the 25 Maryland Vehicle Law.
- 26 (b) Except as otherwise provided in this section, any person convicted of a 27 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is 28 subject to a fine of not more than \$500.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 30 October 1, 2017.