HOUSE BILL 42

 R_5 8lr0692 HB 242/17 - ENV (PRE-FILED) By: Delegate Turner Requested: September 27, 2017 Introduced and read first time: January 10, 2018 Assigned to: Environment and Transportation A BILL ENTITLED AN ACT concerning Vehicle Laws – Use of Handheld Telephone While Driving – Penalty FOR the purpose of repealing certain fines and increasing the maximum fine for a violation of certain prohibitions against using a handheld telephone while driving a motor vehicle; making certain stylistic changes; and generally relating to the prohibition against using a handheld telephone while driving a motor vehicle. BY repealing and reenacting, with amendments, Article – Transportation Section 21–1124.2 Annotated Code of Maryland (2012 Replacement Volume and 2017 Supplement) BY repealing and reenacting, without amendments, Article – Transportation Section 27–101 Annotated Code of Maryland (2012 Replacement Volume and 2017 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: **Article - Transportation** 21-1124.2. (a) In this section the following words have the meanings indicated. (1) "Handheld telephone" means a handheld device used to access wireless (2)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

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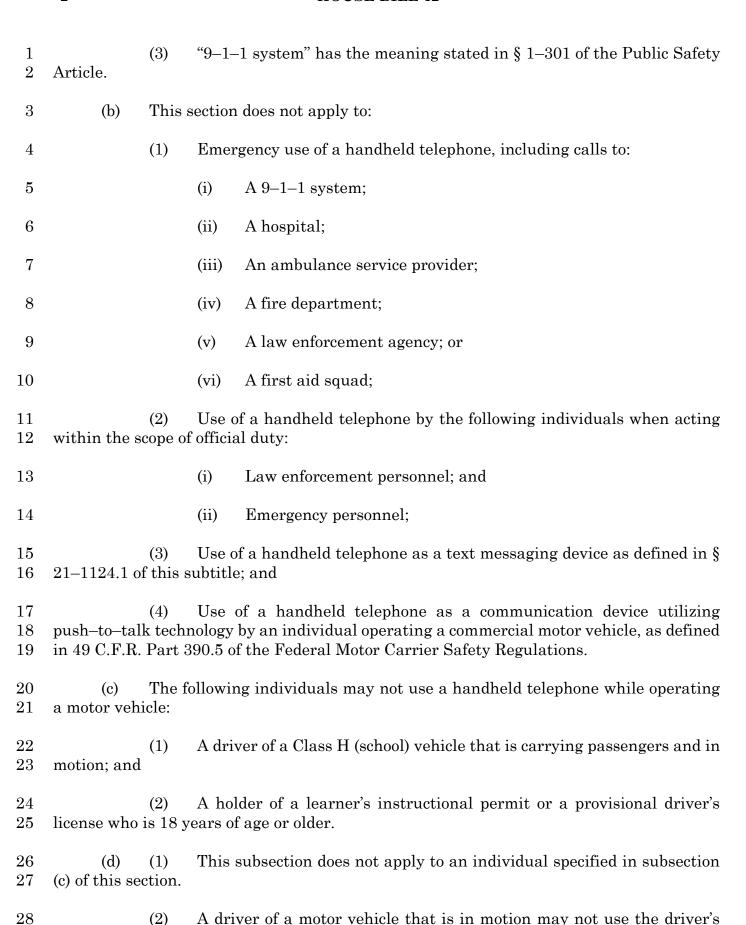
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telephone service.





- 1 hands to use a handheld telephone other than to initiate or terminate a wireless telephone 2 call or to turn on or turn off the handheld telephone. 3 A person convicted of a violation of this section is subject to the (1)(e) 4 following penalties: 5 (i) For a first offense, a fine of not more than \$75; 6 For a second offense, a fine of not more than \$125; and (ii) 7 (iii) For a third or subsequent offense, a fine of not more than \$175. **(2)** 8 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 9 accident. 10 11 (f) The court may waive [a] THE penalty [under subsection (e)] FOR A VIOLATION of this section for [a person] AN INDIVIDUAL who: 12 Is convicted of a first offense under this section; and 13 (1) 14 (2) Provides proof that the [person] INDIVIDUAL has acquired a 15 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 16 17 operate a motor vehicle in accordance with this section. 18 27-101.19 A person who violates a provision of the Maryland Vehicle Law is guilty of a 20 misdemeanor unless the violation: 21(1) Is a felony under the Maryland Vehicle Law; or 22Is punishable by a civil penalty under the applicable provision of the (2)23Maryland Vehicle Law. 24Except as otherwise provided in the Maryland Vehicle Law, a person convicted 25of a misdemeanor for the violation of a provision of the Maryland Vehicle Law is subject to 26 a fine not exceeding \$500.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.