

Maryland Cell Phone While Driving Law - Effective October 1, 2010

FAQ:

1. What is Maryland's Cell Phone Law that takes effect on October 1, 2010?

Maryland Senate Bill 321 and House Bill 934 were signed into law by Governor O'Malley. The new law will prohibit all Maryland drivers from using a cell phone without a hands free device while operating a motor vehicle in motion on a street or highway. In addition, the new law would prohibit a school bus driver or a holder of a learner's permit, or provisional license who is 18 years of age or older, from driving a motor vehicle while using a handheld telephone. A driver under 18 already is prohibited from using any cell phone.

2. What exceptions are allowed?

Phone calls placed to 9-1-1, ambulance, hospital, fire, or law enforcement agencies are allowed, as are calls made by emergency and law enforcement personnel. A driver is allowed to turn a handheld phone on or off and to initiate or terminate a call.

3. Is the law a primary offense?

The new law is a secondary offense, meaning that a driver must first be detained for another offense, such as speeding or negligent driving, before he or she can be ticketed for a cell phone offense. However, be advised that "negligent driving" is a primary offense in Maryland and can be used as a precursor to citing violators of the new cell phone law.

4. What is the fine for the offense?

The fine for a first offense would be \$40 and subsequent offenses would be \$100. Points will not be assessed to the first-time violator's driving record, except, three points are assessed if the violation contributed to a crash. One point is assessed for a second or subsequent offense.

5. Is this the same law as the texting law?

No, Maryland also bans texting while driving. This law prohibits an individual from writing or sending a text message while operating a motor vehicle that is in motion or in the travel portion of the highway. If convicted of violating this law a person may be assessed a fine not exceeding \$500. This law does not apply to texting 9-1-1 or using a global positioning system.