

(e) *Penalties.* — (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 individual under § 16-402 of this article unless the offense contributes to an accident.

(f) *Penalties — Waiver.* — The court may waive a penalty under subsection (e) of this section for a person who:

- (1) Is convicted of a first offense under this section; and
- (2) Provides proof that the person has acquired a hands-free accessory, an attachment or add-on, a built-in feature, or an addition for the person's handheld telephone that will allow the person to operate a motor vehicle in accordance with this section. (2010, chs. 538, 716; 2013, ch. 43, § 5; chs. 637, 638.)

Effect of amendments. — Chapter 716, Acts 2010, effective October 1, 2010, added (b)(4); reenacted (c) and (d) without change; and made related changes. Chapters 637 and 638, Acts 2013, effective October 1, 2013, made almost identical changes. Each deleted (e); ch. 637 was followed for the redesignation of (f) and (g) as (e) and (f). Other than the discrepancy concerning the redesignation, each in (e)(1)(i) substituted "\$75" for "\$40" and; in (e)(1)(ii) deleted "or not subsequent" after "second" and substituted "of not more than \$125; and" for "of \$100"; added (e)(1)(iii); in (e)(2) deleted "For a first offense under this section" at the beginning; and made related changes.

Editor's note. — Section 2, ch. 538, Acts 2010, provides that the act shall take effect October 1, 2010. Section 2, ch. 716, Acts 2010, provides that "this Act shall take effect October 1, 2010, contingent on the taking effect of Chapter 538 (S.B. 321) of the Acts of the General Assembly of 2010, and if Chapter 538 (S.B. 321) does not become effective, this Act shall be null and void without the necessity of further action by the General Assembly." Senate Bill 321 was enacted as ch. 538, Acts 2010, effective October 1, 2010. Chapters 538 and 716, Acts 2010, both amended this section. Effect has been given to both, as ch. 716 amended the section as added by ch. 538.

Section 5, ch. 43, Acts 2013, provides that "the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected." Pursuant to § 5,

Editor's note. — Pursuant to § 6, ch. 66, Acts 2012, "handheld" was substituted for "hand held" in (a)(3).

§ 21-1124.2. Communications Traffic Safety Act.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

- (2) "Handheld telephone" means a handheld device used to access wireless telephone service.
- (3) "9-1-1 system" has the meaning stated in § 1-301 of the Public Safety Article.
- (b) *Exceptions to applicability of section.* — 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) *Persons prohibited from use of handheld telephone while driving.* — 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) *Prohibited use of handheld telephone while vehicle is in motion.* — (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.

Acts 2013, effective October 1, 2013, made changes. Each deleted (d) and (a)(3).

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