

# Maryland Cell Phone Law Fact Sheet – Effective October 1, 2010

## 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.

## 6. Why is this law needed?

Studies indicate that cell phone conversations distract a driver and delays reaction time, which can cause and increase the severity of a vehicular crash. The National Safety Council has estimated that cell phone use is responsible for 1.6 million crashes a year, nationally -- about 28 percent of all crashes. Maryland now joins 7 other states (Calif., Conn., Del., N.J., N.Y., Ore. and Wash.), D.C. and the Virgin Islands in banning handheld cell phone use while driving. For more information, please visit [www.ChooseSafetyForLife.com](http://www.ChooseSafetyForLife.com)

