

HOUSE BILL 1359

R7

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By: **Delegate Stein**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prohibition on Use of Wireless Communication and Text-Messaging Devices**
3 **While Driving – Enforcement – Study**

4 FOR the purpose of requiring the Department of State Police, in consultation with the
5 Maryland Chiefs of Police Association and the Maryland Sheriffs' Association, to
6 conduct a study on potential methods of improving the enforcement of laws that
7 prohibit the use of wireless communication and text-messaging devices while
8 operating a motor vehicle; requiring the study to examine certain issues relevant to
9 the enforcement of laws governing the use of wireless communication and
10 text-messaging devices, including the feasibility of using certain new technologies
11 for certain enforcement purposes; requiring the Department to report its findings
12 and recommendations to the Governor and the General Assembly on or before a
13 certain date; providing for the termination of this Act; and generally relating to the
14 study of potential methods of improving the enforcement of laws that prohibit the
15 use of wireless communication and text-messaging devices while operating a motor
16 vehicle.

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That:

19 (a) The Department of State Police, in consultation with the Maryland Chiefs of
20 Police Association and the Maryland Sheriffs' Association, shall conduct a study of potential
21 methods of improving the enforcement of laws that prohibit the use of wireless
22 communication and text-messaging devices while operating a motor vehicle.

23 (b) The study shall:

24 (1) (i) analyze the feasibility of using new technologies that may be able
25 to examine wireless communication and text-messaging devices and detect recent activity
26 without disclosing the content of any audio, video, text, or other media;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(ii) consider the desirability of legislation that would provide that the holder of a driver's license has given "implied consent" to surrender any wireless communication and text-messaging devices for examination, subject to possible suspension of the driver's license for failure to surrender a device, on the reasonable suspicion of a law enforcement officer that the laws governing the devices' use have been violated; and

(iii) consider any privacy concerns that this process and legal framework would raise; and

(2) consider any other method of improving the enforcement of laws that prohibit the use of wireless communication and text-messaging devices while operating a motor vehicle, as determined by the Department.

(c) On or before December 1, 2017, the Department shall report its findings and recommendations on potential methods of improving the enforcement of laws that prohibit the use of wireless communication and text-messaging devices while operating a motor vehicle to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017. It shall remain effective for a period of 1 year and, at the end of May 31, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.