

# MedChi

*The Maryland State Medical Society*

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TO: The Honorable Maggie McIntosh, Chairman  
Members, House Environmental Matters Committee  
The Honorable James E. Malone, Jr.  
The Honorable Galen R. Clagett

FROM: Joseph A. Schwartz, III  
Pamela Metz Kasemeyer  
J. Steven Wise

DATE: February 7, 2012

RE: **SUPPORT** – House Bill 104 – *Motor Vehicles – Use of Wireless Communication Device – Prohibited Acts, Enforcement, and Penalties*  
**SUPPORT** – House Bill 123 – *Vehicle Laws – Wireless Communication Devices – Enforcement of Prohibitions on Use While Driving*

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The Maryland State Medical Society (MedChi), which represents over 7,600 Maryland physicians and their patients, supports House Bill 104 and House Bill 123.

Maryland has long been a national leader in highway safety. The recent ban on text messaging and the ban on hand-held wireless communication devices demonstrate the State's commitment to improving the safety of our roadways. House Bill 104 seeks important clarifications and enhancements to the current prohibitions regarding wireless communication. The legislation proposes to strengthen the provisions related to young drivers by applying the prohibitions to all drivers under the age of 18 and clarifies that the ban applies while in the travel portion of the roadway. It is common knowledge that young drivers have significantly more accidents resulting in injury in death. Expanding the current provisions beyond those with learner's permits and provisional licenses to all minors under 18 provides a meaningful enhancement to the protection of young drivers and eliminates a critical activity that lead young drivers to become distracted.

In addition to expanding the number of minors who are covered by the current prohibition on wireless communication devices, House Bill 104 clarifies that the prohibition applies

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while in the “travel portion of the roadway.” This clarification applies to all drivers, not just minors. Clearly, communicating while stopped at an intersection or in traffic jams also contributes to distracted driving habits that threaten the safety of our roads.

House Bill 104 also proposes to make violation of the wireless communication device prohibitions a primary as opposed to a secondary offense. Enforcement of these provisions as a secondary offense is difficult at best and often only occurs in conjunction with the occurrence of an accident or some other traffic offense that resulted from distracted driving. If the prohibitions become primary offenses, it will facilitate enforcement and enhance the likelihood of meaningful improvement in the driving habits of those who are penalized for failing to adhere to the law. House Bill 123 also proposes to make these prohibitions a primary offense but does not address the other clarifications and changes to the rules for minor drivers that are reflected in House Bill 104.

MedChi strongly supports these efforts to further strengthen the steps that have been taken to combat distracted driving and enhance the safety of our roads. MedChi urges a favorable report.

**For more information call:**

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