

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Prohibit the Use of a Handheld Cellular Telephone While Operating a Motor Vehicle

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §2117 is enacted to read:

§ 2117. Use of handheld cellular telephone while operating motor vehicle

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Cellular telephone" means a device used to access wireless telephone service.

B. "Electronic device" means any handheld electronic device that is not part of the operating equipment of the motor vehicle, including, but not limited to, an electronic game, device for sending or receiving electronic mail, text messaging device or computer.

C. "Handheld cellular telephone" means a cellular telephone with which a user engages in a telephone call or text messaging using at least one hand.

D. "Hands-free cellular telephone" means a cellular telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of the cellular telephone, by which a user may activate and deactivate the phone and talk and listen without the use of either hand.

E. "Text messaging" means the sending or the reading of short text messages with cellular telephones or other electronic devices.

F. "Using" means manipulating, talking into or otherwise interacting with a cellular telephone but does not include passively listening to music or other recorded sounds emanating from an electronic device.

2. Prohibition. A person may not operate a motor vehicle while using a handheld cellular telephone or while text messaging. A person may not operate a motor vehicle while using a hands-free cellular telephone unless the features of the cellular telephone that allow hands-free operation are being used.

3. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section by using a cellular telephone but not by text messaging commits a traffic infraction for which a fine of not less than \$50 may be adjudged.

B. A person who violates this section by using a cellular telephone but not by text messaging after being adjudicated as violating this section by using a cellular telephone but not by text messaging commits a traffic infraction for which a fine of not less than \$250 may be adjudged.

C. A person who violates this section by text messaging commits a traffic infraction for which a fine of not less than \$500 may be adjudged.

4. Exception. This section does not apply to the following persons operating a motor vehicle within the scope of their employment:

A. Drivers of authorized emergency vehicles as defined in section 2054, subsection 1, paragraph B;

B. Physicians;

C. Holders of commercial driver's licenses; and

D. Municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the department.

SUMMARY

This bill prohibits the use of a handheld cellular telephone and text messaging while operating a motor vehicle. The bill clarifies that law enforcement officers, corrections officers, firefighters, drivers of authorized emergency vehicles, holders of commercial driver's licenses, physicians, municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the Department of Transportation, may use handheld cellular telephones while driving within the scope of their employment. The bill makes the offense a traffic infraction.