

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

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

**§ 2117. Failure to maintain control of a motor vehicle**

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

A. "Operation of a motor vehicle while distracted" means the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity:

(1) That is not necessary to the operation of the vehicle; and

(2) That actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle.

**2. Failure to maintain control of a motor vehicle.** A person commits the traffic infraction of failure to maintain control of a motor vehicle if the person:

A. Commits either a traffic infraction under this Title or commits the crime of driving to endanger under section 2413 and, at the time the traffic infraction or crime occurred, the person was engaged in the operation of a motor vehicle while distracted; or

B. Is determined to have been the operator of a motor vehicle that was involved in a reportable accident as defined in section 2251, subsection 1 that resulted in property damage and, at the time the reportable accident occurred, the person was engaged in the operation of a motor vehicle while distracted.

A person may be issued a citation or summons for any other traffic infraction or crime that was committed by the person in relation to the person's commission of the traffic infraction of failure to maintain control of a motor vehicle.'

## SUMMARY

The amendment, which replaces the bill, makes failure to maintain control of a motor vehicle a traffic infraction.

The amendment defines "operation of a motor vehicle while distracted" as the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity that is not necessary to the

operation of the vehicle and that actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle.

The amendment provides that a person commits the traffic infraction of failure to maintain control of a motor vehicle if the person commits either a traffic infraction under the motor vehicle laws or commits the crime of driving to endanger and, at the time the traffic infraction or crime occurred, the person was engaged in the operation of a motor vehicle while distracted or the person is determined to have been the operator of a motor vehicle that was involved in a reportable accident that resulted in property damage and, at the time the reportable accident occurred, the operator was engaged in the operation of a motor vehicle while distracted.