



126th MAINE LEGISLATURE

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Legislative Document

No. 68

H.P. 71

House of Representatives, January 22, 2013

An Act To Prohibit the Use of a Handheld Mobile Telephone while Operating a Motor Vehicle

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BEAUDOIN of Biddeford.
Cosponsored by Senator CRAVEN of Androscoggin and
Representatives: BOLAND of Sanford, BRIGGS of Mexico, CAMPBELL of Newfield,
COTTA of China, DION of Portland, MAKER of Calais, SOCTOMAH of the Passamaquoddy
Tribe, Senator: HILL of York.

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

2 **Sec. 1. 29-A MRSA §2120** is enacted to read:

3 **§2120. Use of handheld mobile telephone while operating motor vehicle; prohibition**

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

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

7 B. "Handheld mobile telephone" means a mobile telephone with which a user
8 engages in a telephone call using at least one hand.

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

13 D. "Using" means manipulating, talking into or otherwise interacting with a mobile
14 telephone but does not include passively listening to music or other recorded sounds
15 emanating from a mobile telephone.

16 **2. Prohibition.** A person may not operate a motor vehicle while using a handheld
17 mobile telephone. A person may not operate a motor vehicle while using a hands-free
18 mobile telephone unless the features of the mobile telephone that allow hands-free
19 operation are being used.

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

21 A. A person who violates this section commits a traffic infraction for which a fine of
22 not less than \$50 may be adjudged.

23 B. A person who violates this section after having been previously adjudicated as
24 violating this section commits a traffic infraction for which a fine of not less than
25 \$250 may be adjudged.

26 **4. Exceptions.** This section does not apply to text messaging as prohibited by
27 section 2119 or to the following persons operating a motor vehicle within the scope of
28 their employment:

29 A. Drivers of authorized emergency vehicles as defined in section 2054, subsection
30 1, paragraph B;

31 B. Physicians;

32 C. Holders of commercial driver's licenses; and

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

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SUMMARY

This bill prohibits the use of a handheld mobile telephone 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 mobile telephones while driving within the scope of their employment. The bill makes the offense a traffic infraction. This bill does not affect the current prohibition against text messaging while operating a motor vehicle.