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Date: (Filing No. S- )

**TRANSPORTATION**

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**STATE OF MAINE  
SENATE  
125TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 228, L.D. 736, Bill, “An Act To Prohibit Texting while Driving”

Amend the bill by striking out the title and substituting the following:

**'An Act To Specifically Prohibit Texting That Constitutes Distracted Driving'**

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

**'Sec. 1. 29-A MRSA §2118, sub-§1**, as reallocated by RR 2009, c. 1, §18, is amended to read:

**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, including but not limited to text messaging, that:

- (1) ~~That is~~ Is not necessary to the operation of the vehicle; and
- (2) ~~That actually~~ Actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle.

B. "Portable electronic device" means any portable electronic device that is not part of the operating equipment of a motor vehicle, including but not limited to an electronic game, device for sending or receiving e-mail, text messaging device, cellular telephone and computer.

C. "Text messaging" means reading or manually composing or sending electronic communications, including text messages, instant messages and e-mails, using a portable electronic device. "Text messaging" does not include using a global positioning or navigation system.'

**COMMITTEE AMENDMENT**

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**SUMMARY**

This amendment, which is the minority report, strikes and replaces the bill. The amendment specifically prohibits text messaging while driving but only if that text messaging actually impairs, or would reasonably be expected to impair, a person's ability to safely operate a motor vehicle.

**FISCAL NOTE REQUIRED**

**(See attached)**