

MAINE STATE LEGISLATURE

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M
R.S.

L.D. 192

DATE: 5-7-03

(Filing No. H-288)

MINORITY
TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 151, L.D. 192, Bill, "An Act to Prohibit the Use of a Handheld Cellular Telephone While Driving"

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

'An Act To Prohibit the Use of a Handheld Mobile Telephone While Driving'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 29-A MRSA §2115 is enacted to read:

§2115. Use of handheld mobile 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. "Mobile telephone" means a device used to access wireless telephone service.

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

COMMITTEE AMENDMENT

AMS

COMMITTEE AMENDMENT "A" to H.P. 151, L.D. 192

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

8 2. Prohibition. A person may not operate a motor vehicle
9 while using a handheld mobile telephone. A person may not
10 operate a motor vehicle while using a hands-free mobile telephone
11 unless the features of the telephone that allow hands-free
12 operation are being used.

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

15 A. A person who violates this section commits a traffic
16 violation for which a fine of not less than \$50 may be
17 adjudged.

18 B. A person who violates this section after being
19 adjudicated as violating this section commits a traffic
20 infraction for which a fine of not less than \$250 may be
21 adjudged.

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

25 A. Drivers of authorized emergency vehicles as defined in
26 section 2054;

27 B. Physicians;

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

29 D. Municipal public works personnel, Maine Turnpike
30 Authority personnel and state transportation personnel,
31 including all employees and contractors of the Department of
32 Transportation.'

42 **SUMMARY**

43 This amendment is the minority report of the Joint Standing
44 Committee on Transportation. It adds definitions to clarify the
45 meaning of terms used and adds physicians to the list of people
46 allowed to use a handheld mobile telephone when operating a motor
47 vehicle within the scope of their employment.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

Approved: 05/05/03 *MAC*

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 192

**An Act to Prohibit the Use of a Handheld Mobile Telephone While
Driving**

LR 0208(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Transportation

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new traffic infraction.