

MAINE STATE LEGISLATURE

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DATE: 5-7-03

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MAJORITY
TRANSPORTATION

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

COMMITTEE AMENDMENT "A" to H.P. 613, L.D. 836, Bill, "An Act To Prevent Distracted Driving"

Amend the bill by striking out all of section 1 and inserting in its place the following:

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

§2115. Distracted driving

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

A "Distracted driving" means operating a motor vehicle on a public way while engaged in an activity not directly related to and in a manner that interferes with the safe operation of the motor vehicle. Distracted driving may include, but is not limited to, use of a mobile telephone, eating or grooming.

B. "Mobile telephone" means a device used by subscribers and other users of wireless telephone service to access such service.

2. Violation; enforcement. Except as provided in subsection 3, a person who engages in distracted driving commits a traffic infraction. This subsection may be enforced only if a law enforcement officer has detained the operator of the motor vehicle for a suspected moving violation as defined in section 101, subsection 44.

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2 3. Exception. Use of a mobile telephone in a manner that
3 interferes with the safe operation of a motor vehicle does not
4 constitute distracted driving if the mobile telephone is used
5 under the following circumstances:

6 A. The operator has reason to fear for the operator's life
7 or safety or believes that a criminal act may be perpetrated
8 against the operator or another person; or

10 B. The operator is using the mobile telephone to report to
11 appropriate authorities a fire, a traffic accident, a
12 serious road hazard or a medical or hazardous materials
13 emergency or to report the operator of another motor vehicle
14 who is driving in a reckless, careless or otherwise unsafe
15 manner or who appears to be driving under the influence of
16 alcohol or drugs.

18 A mobile telephone user's telephone records or the testimony or
19 written statements from authorities receiving such calls are
20 sufficient evidence for establishing the purpose of a call and
21 the applicability of this subsection.

22 4. Preemption. This section supersedes and preempts all
23 municipal ordinances relating to the use of a mobile telephone
24 by an operator of a motor vehicle.'

28 **SUMMARY**

30 This amendment replaces the bill. It is the majority report
31 of the Joint Standing Committee on Transportation. It provides
32 definitions of "distracted driving" and "mobile telephone." It
33 establishes certain exceptions from the definition of "distracted
34 driving." It preempts municipal ordinances relating to the use
35 of mobile telephones.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



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

**LD 836
An Act To Prevent Distracted Driving**

**LR 0095(02)
Fiscal Note for Bill as Amended by Committee Amendment " "
Committee: Transportation
Fiscal Note Required: Yes**

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new traffic infraction