

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 525

H.P. 401

House of Representatives, February 1, 2005

An Act To Ban the Use of Handheld Cellular Telephones 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 PELLETIER-SIMPSON of Auburn.
Cosponsored by Representative HOGAN of Old Orchard Beach and
Representatives: BURNS of Berwick, EDER of Portland, FAIRCLOTH of Bangor, PARADIS
of Frenchville, SAMPSON of Auburn, WHEELER of Kittery.

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

4 **Sec. 1. 29-A MRSA §2116 is enacted to read:**

6 **§2116. Use of handheld cellular telephone while operating motor vehicle**

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

12 A. "Cellular telephone" means a device used to access wireless telephone service.

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

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

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

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

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

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

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

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

48 B. Physicians;

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C. Holders of commercial driver's licenses; and

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

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SUMMARY

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This bill prohibits the use of a handheld cellular 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 cellular telephones while driving within the scope of their employment. The bill makes the offense a traffic infraction.