

MAINE STATE LEGISLATURE

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Legislative Document

No. 114

H.P. 106

House of Representatives, January 9, 2007

An Act To Prohibit the Use of a Handheld Cellular 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 BERUBE of Lisbon.

Cosponsored by Representatives: BEAUDOIN of Biddeford, FINCH of Fairfield, SIMPSON of Auburn, TUTTLE of Sanford, Senator BARTLETT of Cumberland and Representatives: BEAUDETTE of Biddeford, BROWNE of Vassalboro, JACOBSEN of Waterboro, PILON of Saco, Senator: SULLIVAN of York.

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

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

3 **§2116. Use of handheld cellular telephone while operating motor vehicle**

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

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

7 **B. "Handheld cellular telephone"** means a cellular telephone intended to be held with
8 one hand while a user engages in a telephone call.

9 **C. "Hands-free cellular telephone"** means a cellular 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 cellular telephone, by which a user may activate and
12 deactivate the phone and talk and listen without the use of either hand.

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

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

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

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

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

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

25 **B.** Physicians;

26 **C.** Holders of commercial driver's licenses; and

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

30 **SUMMARY**

31 This bill prohibits the use of a handheld cellular telephone while operating a motor
32 vehicle. The bill clarifies that drivers of authorized emergency vehicles, including law
33 enforcement officers, corrections officers and firefighters; holders of commercial driver's
34 licenses; physicians; municipal public works personnel; Maine Turnpike Authority
35 personnel; and state transportation personnel, including all employees and contractors of

1 the Department of Transportation, may use handheld cellular telephones while driving
2 within the scope of their employment. The bill makes the offense a traffic infraction.