

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

M  
P.S.

Date: 5-4-09

(Filing No. S-126)

2

3

TRANSPORTATION

4

Reproduced and distributed under the direction of the Secretary of the Senate.

5

STATE OF MAINE

6

SENATE

7

124TH LEGISLATURE

8

FIRST REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to S.P. 15, L.D. 6, Bill, "An Act To Establish a Distracted Driver Law"

10

11

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

12

13

'Sec. 1. 29-A MRSa §2117 is enacted to read:

14

**§2117. Failure to maintain control of a motor vehicle**

15

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

16

17

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:

18

19

(1) That is not necessary to the operation of the vehicle; and

20

21

(2) That actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle.

22

**2. Failure to maintain control of a motor vehicle.** A person commits the traffic infraction of failure to maintain control of a motor vehicle if the person:

23

24

A. Commits either a traffic infraction under this Title or commits the crime of driving to endanger under section 2413 and, at the time the traffic infraction or crime occurred, the person was engaged in the operation of a motor vehicle while distracted; or

25

26

27

28

B. Is determined to have been the operator of a motor vehicle that was involved in a reportable accident as defined in section 2251, subsection 1 that resulted in property damage and, at the time the reportable accident occurred, the person was engaged in the operation of a motor vehicle while distracted.

29

30

31

**COMMITTEE AMENDMENT**

R. G. S.

COMMITTEE AMENDMENT "A" to S.P. 15, L.D. 6

1 A person may be issued a citation or summons for any other traffic infraction or crime  
2 that was committed by the person in relation to the person's commission of the traffic  
3 infraction of failure to maintain control of a motor vehicle.'

4 **SUMMARY**

5 The amendment, which replaces the bill, makes failure to maintain control of a motor  
6 vehicle a traffic infraction.

7 The amendment defines "operation of a motor vehicle while distracted" as the  
8 operation of a motor vehicle by a person who, while operating the vehicle, is engaged in  
9 an activity that is not necessary to the operation of the vehicle and that actually impairs,  
10 or would reasonably be expected to impair, the ability of the person to safely operate the  
11 vehicle.

12 The amendment provides that a person commits the traffic infraction of failure to  
13 maintain control of a motor vehicle if the person commits either a traffic infraction under  
14 the motor vehicle laws or commits the crime of driving to endanger and, at the time the  
15 traffic infraction or crime occurred, the person was engaged in the operation of a motor  
16 vehicle while distracted or the person is determined to have been the operator of a motor  
17 vehicle that was involved in a reportable accident that resulted in property damage and, at  
18 the time the reportable accident occurred, the operator was engaged in the operation of a  
19 motor vehicle while distracted.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 124th MAINE LEGISLATURE

LD 6

LR 132(02)

## An Act To Establish a Distracted Driver Law

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

---

### Fiscal Note

Current biennium cost increase - General Fund

Current biennium cost increase - Highway Fund

Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Establishes new traffic violations.

The collection of additional fines will also increase General Fund revenue.

### Fiscal Detail and Notes

The State Police within the Department of Public Safety will see increases in violations due to this legislation, potentially resulting in additional court time for State Police troopers. When the court time falls on a scheduled day off, the trooper would be paid overtime for at least four hours. No estimate is made at this time of the amount and cost of additional overtime that may be incurred.