

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 6

S.P. 15

January 7, 2009

An Act To Establish a Distracted Driver Law

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.

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

2 **Sec. 1. 29-A MRSA §2117** is enacted to read:

3 **§2117. Driving while distracted**

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

6 A. "Distracted" means engaging in an activity that impairs the operator's ability to drive,
7 including, but not limited to, using an electronic device, applying cosmetics or
8 performing personal grooming with any device.

9 B. "Electronic device" means any handheld device that is not part of the operating
10 equipment of the motor vehicle, including but not limited to an electronic game, device
11 for sending or receiving electronic mail, text messaging device or computer.

12 C. "Using" means manipulating, watching, talking into or otherwise interacting with an
13 electronic device but does not include passively listening to music or other recorded
14 sounds emanating from the electronic device.

15 **2. Prohibition.** A person may not operate a motor vehicle while distracted.

16 **3. Exception.** This section does not apply to the use of a cellular telephone or a global
17 positioning system.

18 **4. Penalty.** A person who violates this section commits a traffic infraction for which a
19 fine of not less than \$50 for the first offense and not less than \$250 for a 2nd or subsequent
20 offense may be adjudged.

21 **5. Rules.** The department may adopt rules to implement this section. Rules adopted
22 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
23 subchapter 2-A.

24 **SUMMARY**

25 This bill makes driving while distracted a moving violation. It prohibits engaging in an
26 activity that impairs the driver's ability to drive. It also allows the Department of
27 Transportation to adopt rules.