

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 41

H.P. 36

House of Representatives, January 5, 2009

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 BEAUDOIN of Biddeford.
Cosponsored by Senator SIMPSON of Androscoggin and
Representatives: BRYANT of Windham, CASAVANT of Biddeford, HASKELL of Portland,
LAJOIE of Lewiston, WAGNER of Lewiston, WATSON of Bath, WRIGHT of Berwick.

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

10 C. "Handheld cellular telephone" means a cellular telephone with which a user engages
11 in a telephone call or text messaging using at least one hand.

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

16 E. "Text messaging" means the sending or the reading of short text messages with
17 cellular telephones or other electronic devices.

18 F. "Using" means manipulating, talking into or otherwise interacting with a cellular
19 telephone but does not include passively listening to music or other recorded sounds
20 emanating from an electronic device.

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

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

26 A. A person who violates this section by using a cellular telephone but not by text
27 messaging commits a traffic infraction for which a fine of not less than \$50 may be
28 adjudged.

29 B. A person who violates this section by using a cellular telephone but not by text
30 messaging after being adjudicated as violating this section by using a cellular telephone
31 but not by text messaging commits a traffic infraction for which a fine of not less than
32 \$250 may be adjudged.

33 C. A person who violates this section by text messaging commits a traffic infraction for
34 which a fine of not less than \$500 may be adjudged.

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

- 1 A. Drivers of authorized emergency vehicles as defined in section 2054, subsection 1,
2 paragraph B;
3 B. Physicians;
4 C. Holders of commercial driver's licenses; and
5 D. Municipal public works personnel, Maine Turnpike Authority personnel and state
6 transportation personnel, including all employees and contractors of the department.

7 **SUMMARY**

8 This bill prohibits the use of a handheld cellular telephone and text messaging while
9 operating a motor vehicle. The bill clarifies that law enforcement officers, corrections
10 officers, firefighters, drivers of authorized emergency vehicles, holders of commercial driver's
11 licenses, physicians, municipal public works personnel, Maine Turnpike Authority personnel
12 and state transportation personnel, including all employees and contractors of the Department
13 of Transportation, may use handheld cellular telephones while driving within the scope of
14 their employment. The bill makes the offense a traffic infraction.