

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 112

H.P. 96

House of Representatives, January 12, 2009

An Act To Prohibit the Use of Handheld Cellular Telephones while Driving

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CROCKETT of Augusta.
Cosponsored by Senator SULLIVAN of York and
Representatives: BRIGGS of Mexico, FINCH of Fairfield, HARLOW of Portland, JONES of
Mount Vernon, JOY of Crystal, MILLER of Somerville, PRATT of Eddington, Senator:
GERZOFISKY 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. 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 with which a user
8 engages in a call using at least one hand.

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 cellular telephone and talk and listen without the use of either hand.

13 D. "Using" means manipulating, talking into or otherwise interacting with a cellular
14 telephone.

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

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

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

22 B. A person who violates this section after previously having been adjudicated as
23 violating this section commits a traffic infraction for which a fine of not less than
24 \$250 may be adjudged.

25 **4. Exception.** This section does not apply to a person operating a motor vehicle
26 within the scope of that person's employment:

27 A. A driver of an authorized emergency vehicle as defined in section 2054, section 1,
28 subsection B;

29 B. A physician;

30 C. A holder of a commercial driver's license; and

31 D. Municipal public works personnel, Maine Turnpike Authority personnel and state
32 transportation personnel, including all employees and contractors of the department.

33 **SUMMARY**

34 This bill prohibits the use of a handheld cellular telephone while operating a motor
35 vehicle and makes the offense a traffic infraction. The bill clarifies that law enforcement

1 officers, corrections officers, firefighters, drivers of authorized emergency vehicles,
2 holders of commercial driver's licenses, physicians, municipal public works personnel,
3 Maine Turnpike Authority personnel and state transportation personnel, including all
4 employees and contractors of the Department of Transportation, may use handheld
5 cellular telephones while driving within the scope of their employment.