MAINE STATE LEGISLATURE

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1	L.D. 7
2	Date: $4/27/15$ (Filing No. S- 58
3	TRANSPORTATION
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	127TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT " A" to S.P. 267, L.D. 737, Bill, "An Act The Amend the Laws Regarding Learner's Permits and Intermediate Licenses"
11 12	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
13 14	'Sec. 1. 29-A MRSA §1304, sub-§1, ¶I, as amended by PL 2013, c. 381, Pt. §16, is further amended to read:
15 16 17 18	I. A person who has been issued a learner's permit may not operate a motor vehicle while using a <u>handheld electronic device or</u> mobile telephone. For the purpose of the paragraph, "mobile telephone" means a device used to access a wireless telephone service the following terms have the following meanings.
19 20 21 22	(1) "Handheld electronic device" means any handheld electronic device that not part of the operating equipment of the motor vehicle, including but n limited to an electronic game, device for sending or receiving electronic matext messaging device or computer.
23 24	(2) "Mobile telephone" means a device used to access a wireless telephoneservice.
25 26 27 28 29 30	(3) "Operate" means driving a motor vehicle on a public way with the mot running, including while temporarily stationary because of traffic, a traffic lig or a stop sign or otherwise stationary. "Operate" does not include operating motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.
31 32	(4) "Using" means manipulating, talking into or otherwise interacting with mobile telephone or handheld electronic device.
33	A person who violates this paragraph commits a traffic infraction.

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1 2	Sec. 2. 29-A MRSA §1311, sub-§1, ¶C, as enacted by PL 2003, c. 286, §4, is amended to read:
3 4	C. Operate a motor vehicle while using a <u>handheld electronic device or</u> mobile telephone.
5 6	For the purpose of this paragraph, "mobile telephone" means a device used to access a wireless telephone service the following terms have the following meanings.
7 8 9 10	(1) "Handheld electronic device" means any handheld electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, device for sending or receiving electronic mail, text messaging device or computer.
11 12	(2) "Mobile telephone" means a device used to access a wireless telephone service.
13 14 15 16 17 18	(3) "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.
19 20	(4) "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device.
21	Sec. 3. 29-A MRSA §1311, sub-§3-A is enacted to read:
22 23 24 25 26 27 28 29 30 31 32	3-A. Restricted license decal. Before issuing a license under this section, the Secretary of State shall make available to the licensee a set of 2 decals to place in the motor vehicle driven by the licensee that indicates that the driver of the motor vehicle may be a holder of an intermediate license. Notwithstanding section 2082, a motor vehicle operated by a person who has been issued a driver's license under this section may display a set of 2 decals, one located on the rear window and one located in the upper left-hand corner of the front windshield, that indicates that the driver of the motor vehicle may be a holder of an intermediate license under this section. The design of the decal must be approved by the Chief of the State Police in consultation with the Secretary of State. The decals may not be larger than 3 inches by 3 inches and may not be placed in a manner that obstructs the operator's view of the roadway.
33 34	The Secretary of State shall begin issuing restricted license decals in accordance with this subsection no later than October 1, 2015.
35	Sec. 4. 29-A MRSA §2116, sub-§1, ¶B-1 is enacted to read:
36 37 38 39 40 41	B-1. "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

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- Sec. 5. 29-A MRSA §2116, sub-§1, ¶C, as enacted by PL 2007, c. 272, §1, is amended to read:
 - C. "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device but does not include passively listening to music or other recorded sounds emanating from a handheld electronic device.
 - **Sec. 6. Report.** No later than February 1, 2017, the Department of the Secretary of State, Bureau of Motor Vehicles shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters with an update on the voluntary restricted license decal program established in the Maine Revised Statutes, Title 29-A, section 1311, subsection 3-A. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 128th Legislature relating to the subject matter of this report.'

13 SUMMARY

This amendment strikes and replaces the bill. The amendment strikes from the bill:

- 1. The increase in the required minimum age of the accompanying licensed driver, for a driver of a motor vehicle under a learner's permit, from 20 to 25 years of age;
- 2. The increase in the required length of time that the accompanying licensed driver, for a driver of a motor vehicle under a learner's permit, has held a driver's license from 2 to 3 years;
- 3. The increase in the length of time a permit holder is required to have a learner's permit before obtaining a driver's license from 6 to 12 months; and
- 4. The increase in the fine for using a mobile telephone while operating a motor vehicle with an intermediate license from not less than \$250 and not more than \$500 to \$500.

The amendment amends the current laws prohibiting the holder of a learner's permit or intermediate license from using a mobile telephone while operating a motor vehicle to also prohibit such a person from using a handheld electronic device while operating a motor vehicle. The amendment provides that the definitions in these provisions and in the provisions of current law that prohibit minors from using certain electronic devices while operating a motor vehicle are consistent.

The amendment strikes from the bill the prohibition on a driver who is operating a motor vehicle with an intermediate license from operating a motor vehicle between the hours of 10 p.m. and 5 a.m., unless traveling directly between the driver's place of employment and residence. The amendment leaves current law in place, which prohibits a driver who is operating a motor vehicle with an intermediate license from operating a motor vehicle between midnight and 5 a.m.

The amendment strikes from the bill the prohibition on a driver who is operating a motor vehicle with an intermediate license from carrying any passengers unless accompanied by a licensed operator. The amendment leaves current law in place, which provides that a driver who is operating a motor vehicle with an intermediate license may

carry passengers who are immediate family members without being accompanied by a licensed operator.

The amendment revises the provision in the bill relating to requiring a driver who is operating a motor vehicle with an intermediate license to display a set of decals in the motor vehicle by providing that the decal program is voluntary. The amendment requires the Department of the Secretary of State, Bureau of Motor Vehicles to submit a report no later than February 1, 2017 to the joint standing committee of the Legislature having jurisdiction over transportation matters with an update on the decal program. The amendment also provides that the joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 128th Legislature relating to the subject matter of this report.

FISCAL NOTE REQUIRED

(See aituefieu)

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127th MAINE LEGISLATURE

LD 737

LR 661(02)

An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses

Fiscal Note for Bill as Amended by Committee Amendment 'A''(S-58')

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Highway Fund Minor cost increase - General Fund Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new traffic infractions.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with issuing restricted license decals and updating the committee on the voluntary restricted license decal program can be absorbed within existing budgeted resources.