

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 280

S.P. 92

In Senate, January 22, 2019

**An Act To Improve Public Safety by Restricting the Use of
Distracting Electronic Devices While Operating a Motor Vehicle**

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CLAXTON of Androscoggin.
Cosponsored by Senator: GRATWICK of Penobscot, Representative: CARNEY of Cape Elizabeth.

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

2 **Sec. 1. 29-A MRSA §2119**, as amended by PL 2013, c. 188, §1 and c. 381, Pt. B,
3 §28, is further amended to read:

4 **§2119. Text messaging or using a distracting electronic device while operating**
5 **motor vehicle; prohibition**

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

8 A. "Cellular telephone" means a device used to access wireless telephone service.

9 B. "Portable electronic device" means any portable electronic device that is not part
10 of the operating equipment of a motor vehicle, including but not limited to an
11 electronic game, device for sending or receiving e-mail, text messaging device,
12 cellular telephone, video device, global positioning system device and computer.

13 C. "Text messaging" means reading or manually composing electronic
14 communications, including text messages, instant messages and e-mails, using a
15 portable electronic device. "Text messaging" does not include using a global
16 positioning or navigation system.

17 D. "Operate" means driving a motor vehicle on a public way with the motor running,
18 including while temporarily stationary because of traffic, a traffic light or a stop sign
19 or otherwise stationary. "Operate" does not include operating a motor vehicle with or
20 without the motor running when the operator has pulled the motor vehicle over to the
21 side of, or off, a public way and has halted in a location where the motor vehicle can
22 safely remain stationary.

23 **2. Prohibition.** A person may not operate a motor vehicle while engaging in text
24 messaging or using a portable electronic device.

25 **3. Penalties.** The following penalties apply to a violation of this section.

26 A. A person who violates this section commits a traffic infraction for which a fine of
27 not less than \$250 may be adjudged.

28 B. A person who violates this section after previously having been adjudicated as
29 violating this section within a 3-year period commits a traffic infraction for which a
30 fine of not less than \$500 may be adjudged, and the Secretary of State shall suspend
31 the license of that person without right to hearing. The minimum periods of license
32 suspension are:

33 (1) Thirty days, if the person has 2 adjudications for a violation of this section
34 within a 3-year period;

35 (2) Sixty days, if the person has 3 adjudications for a violation of this section
36 within a 3-year period; and

37 (3) Ninety days, if the person has 4 or more adjudications for a violation of this
38 section within a 3-year period.

1 For the purposes of this paragraph, an adjudication has occurred within a 3-year
2 period if the date of the new conduct is within 3 years of the date of a docket entry of
3 adjudication of a violation of this section.

4 **SUMMARY**

5 This bill adds a prohibition on the use of a portable electronic device such as a video
6 device or a global positioning system device to the prohibition on text messaging while
7 operating a motor vehicle.