

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Establish a Distracted Driver Law

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

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

§ 2117. Driving while distracted

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

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

B. "Electronic device" means any handheld 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.

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

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

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

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

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

SUMMARY

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