

**§2119. Text messaging while operating motor vehicle; prohibition****1. Definitions.**

[PL 2019, c. 486, §9 (RP).]

**2. Prohibition.** A person may not operate a motor vehicle on a public way while engaging in text messaging, including but not limited to when the motor vehicle is temporarily stationary because of traffic, a traffic light or a stop sign.

A person may engage in text messaging while in the operator's seat of a motor vehicle if the person 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.

Nothing in this section prohibits a person employed as a commercial driver or a school bus driver from using a handheld electronic device or mobile telephone within the scope of the person's employment as permitted under Federal Motor Carrier Safety Administration regulations.

[PL 2019, c. 486, §9 (AMD).]

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

A. A person who violates this section commits a traffic infraction for which a fine of not less than \$250 may be adjudged. [PL 2013, c. 188, §1 (NEW).]

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

- (1) Thirty days, if the person has 2 adjudications for a violation of this section within a 3-year period;
- (2) Sixty days, if the person has 3 adjudications for a violation of this section within a 3-year period; and
- (3) Ninety days, if the person has 4 or more adjudications for a violation of this section within a 3-year period.

For the purposes of this paragraph, an adjudication has occurred within a 3-year period if the date of the new conduct is within 3 years of the date of a docket entry of adjudication of a violation of this section. [PL 2013, c. 188, §1 (NEW).]

[PL 2013, c. 188, §1 (RPR).]

**SECTION HISTORY**

PL 2011, c. 207, §1 (NEW). PL 2011, c. 654, §7 (AMD). PL 2013, c. 188, §1 (AMD). PL 2013, c. 381, Pt. B, §28 (AMD). PL 2019, c. 486, §9 (AMD).

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