

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 Prohibit the Use of Handheld Cellular Telephones while Driving

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

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

§ 2117. Use of handheld cellular telephone while operating motor vehicle

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

- A. "Cellular telephone" means a device used to access wireless telephone service.
- B. "Handheld cellular telephone" means a cellular telephone with which a user engages in a call using at least one hand.
- C. "Hands-free cellular telephone" means a cellular telephone that has an internal feature or function or that is equipped with an attachment or addition, whether or not permanently part of the cellular telephone, by which a user may activate and deactivate the cellular telephone and talk and listen without the use of either hand.
- D. "Using" means manipulating, talking into or otherwise interacting with a cellular telephone.

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

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

- A. A person who violates this section commits a traffic infraction for which a fine of not less than \$50 may be adjudged.
- B. A person who violates this section after previously having been adjudicated as violating this section commits a traffic infraction for which a fine of not less than \$250 may be adjudged.

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

- A. A driver of an authorized emergency vehicle as defined in section 2054, section 1, subsection B;
- B. A physician;
- C. A holder of a commercial driver's license; and

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

SUMMARY

This bill prohibits the use of a handheld cellular telephone while operating a motor vehicle and makes the offense a traffic infraction. The bill clarifies that law enforcement officers, corrections officers, firefighters, drivers of authorized emergency vehicles, holders of commercial driver's licenses, physicians, municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the Department of Transportation, may use handheld cellular telephones while driving within the scope of their employment.