§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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