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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 683, L.D. 988, Bill, “An Act To Create the Crime of Operating While Fatigued”

Amend the bill by striking out the title and substituting the following:

'An Act To Designate Operating a Motor Vehicle While Fatigued as a Traffic Infraction'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 29-A MRSA §2118, as reallocated by RR 2009, c. 1, §18, is amended to read:

§2118. Failure to maintain control of a motor vehicle

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

A. "Operation of a motor vehicle while distracted" means the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity:

- (1) That is not necessary to the operation of the vehicle; and
- (2) That actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle.

B. "Operation of a motor vehicle while fatigued" means the operation of a motor vehicle by a person who has been without sleep for a period of 24 consecutive hours or whose alertness and ability to operate a motor vehicle is so impaired by fatigue as to make it unsafe for the person to operate a motor vehicle.

2. Failure to maintain control of a motor vehicle. A person commits the traffic infraction of failure to maintain control of a motor vehicle if the person:

A. Commits either a traffic infraction under this Title or commits the crime of driving to endanger under section 2413 and, at the time the traffic infraction or crime

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1 occurred, the person was engaged in the operation of a motor vehicle while
2 distracted; ~~or~~

3 B. Is determined to have been the operator of a motor vehicle that was involved in a
4 reportable accident as defined in section 2251, subsection 1 that resulted in property
5 damage and, at the time the reportable accident occurred, the person was engaged in
6 the operation of a motor vehicle while distracted; or

7 C. Is determined to have been the operator of a motor vehicle that was involved in a
8 reportable accident as defined in section 2251, subsection 1 that resulted in property
9 damage and, at the time the reportable accident occurred, the person was engaged in
10 the operation of a motor vehicle while fatigued.

11 A person may be issued a citation or summons for any other traffic infraction or crime
12 that was committed by the person in relation to the person’s commission of the traffic
13 infraction of failure to maintain control of a motor vehicle.'

14 **SUMMARY**

15 This amendment is the minority report of the committee. The amendment replaces
16 the bill, which makes operating while fatigued a crime. The amendment instead adds
17 operating while fatigued to the types of motor vehicle operation that are designated as
18 failure to maintain control of a motor vehicle, which is a traffic infraction.