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TRANSPORTATION

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 267, L.D. 737, Bill, “An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses”

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

Sec. 1. 29-A MRS §1304, sub-§1, ¶I, as amended by PL 2013, c. 381, Pt. B, §16, is further amended to read:

I. A person who has been issued a learner's permit may not operate a motor vehicle while using a handheld electronic device or mobile telephone. For the purpose of this paragraph, ~~“mobile telephone” means a device used to access a wireless telephone service~~ the following terms have the following meanings.

(1) “Handheld electronic device” means any handheld electronic 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.

(2) “Mobile telephone” means a device used to access a wireless telephone service.

(3) “Operate” means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. “Operate” does not include operating a motor vehicle with or without the motor running when the operator 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.

(4) “Using” means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device.

A person who violates this paragraph commits a traffic infraction.

COMMITTEE AMENDMENT

1 **Sec. 2. 29-A MRSA §1311, sub-§1, ¶C**, as enacted by PL 2003, c. 286, §4, is
2 amended to read:

3 C. Operate a motor vehicle while using a handheld electronic device or mobile
4 telephone.

5 For the purpose of this paragraph, ~~"mobile telephone" means a device used to access~~
6 ~~a wireless telephone service~~ the following terms have the following meanings.

7 (1) "Handheld electronic device" means any handheld electronic device that is
8 not part of the operating equipment of the motor vehicle, including but not
9 limited to an electronic game, device for sending or receiving electronic mail,
10 text messaging device or computer.

11 (2) "Mobile telephone" means a device used to access a wireless telephone
12 service.

13 (3) "Operate" means driving a motor vehicle on a public way with the motor
14 running, including while temporarily stationary because of traffic, a traffic light
15 or a stop sign or otherwise stationary. "Operate" does not include operating a
16 motor vehicle with or without the motor running when the operator has pulled the
17 motor vehicle over to the side of, or off, a public way and has halted in a location
18 where the motor vehicle can safely remain stationary.

19 (4) "Using" means manipulating, talking into or otherwise interacting with a
20 mobile telephone or handheld electronic device.

21 **Sec. 3. 29-A MRSA §1311, sub-§3-A** is enacted to read:

22 **3-A. Restricted license decal.** Before issuing a license under this section, the
23 Secretary of State shall make available to the licensee a set of 2 decals to place in the
24 motor vehicle driven by the licensee that indicates that the driver of the motor vehicle
25 may be a holder of an intermediate license. Notwithstanding section 2082, a motor
26 vehicle operated by a person who has been issued a driver's license under this section
27 may display a set of 2 decals, one located on the rear window and one located in the
28 upper left-hand corner of the front windshield, that indicates that the driver of the motor
29 vehicle may be a holder of an intermediate license under this section. The design of the
30 decal must be approved by the Chief of the State Police in consultation with the Secretary
31 of State. The decals may not be larger than 3 inches by 3 inches and may not be placed in
32 a manner that obstructs the operator's view of the roadway.

33 The Secretary of State shall begin issuing restricted license decals in accordance with this
34 subsection no later than October 1, 2015.

35 **Sec. 4. 29-A MRSA §2116, sub-§1, ¶B-1** is enacted to read:

36 B-1. "Operate" means driving a motor vehicle on a public way with the motor
37 running, including while temporarily stationary because of traffic, a traffic light or a
38 stop sign or otherwise stationary. "Operate" does not include operating a motor
39 vehicle with or without the motor running when the operator has pulled the motor
40 vehicle over to the side of, or off, a public way and has halted in a location where the
41 motor vehicle can safely remain stationary.

1 carry passengers who are immediate family members without being accompanied by a
2 licensed operator.

3 The amendment revises the provision in the bill relating to requiring a driver who is
4 operating a motor vehicle with an intermediate license to display a set of decals in the
5 motor vehicle by providing that the decal program is voluntary. The amendment requires
6 the Department of the Secretary of State, Bureau of Motor Vehicles to submit a report no
7 later than February 1, 2017 to the joint standing committee of the Legislature having
8 jurisdiction over transportation matters with an update on the decal program. The
9 amendment also provides that the joint standing committee of the Legislature having
10 jurisdiction over transportation matters may submit a bill to the First Regular Session of
11 the 128th Legislature relating to the subject matter of this report.