

§2121. Use of mobile telephones and handheld electronic devices while operating motor vehicles prohibited

1. Prohibition. A person may not operate a motor vehicle on a public way while using, manipulating, talking into or otherwise interacting with a handheld electronic device or mobile telephone, including but not limited to the use of a handheld electronic device or mobile telephone while the vehicle is temporarily stationary because of traffic, a traffic light or a stop sign, unless:

A. The person, other than a person who is operating with a learner's permit issued pursuant to section 1304, is using a mobile telephone or handheld electronic device in order to communicate with law enforcement or emergency services personnel under emergency circumstances. For the purposes of this paragraph, "emergency circumstances" means circumstances in which there is an immediate threat to the health or well-being of any person; [PL 2019, c. 486, §10 (NEW).]

B. The person is using a mobile telephone or handheld electronic device in hands-free mode as permitted under subsection 2; or [PL 2019, c. 486, §10 (NEW).]

C. The person is employed as a commercial driver or a school bus driver and is 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, §10 (NEW).]

A person who has pulled a motor vehicle to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary may use, manipulate, talk into or otherwise interact with a handheld electronic device or mobile telephone.
[PL 2019, c. 486, §10 (NEW).]

2. Hands-free mode. A person who has attained 18 years of age and is not operating with an intermediate license issued pursuant to section 1311 or a learner's permit issued pursuant to section 1304 may use a mobile telephone or handheld electronic device while operating a motor vehicle if the mobile telephone or handheld electronic device is being used in hands-free mode.

The operator of a motor vehicle may use a hand to activate or deactivate a feature or function of a mobile telephone or handheld electronic device that is in hands-free mode and mounted or affixed to the vehicle in a location that does not interfere with the operator's view of the road if the feature or function activated requires only a single swipe, tap or push of the operator's finger.

For the purposes of this section, "hands-free mode" means the manner of use of a mobile telephone or handheld electronic device without use of either hand by employing an internal feature of, or an attachment to, the telephone or device.
[PL 2019, c. 486, §10 (NEW).]

3. Penalty. A person who violates this section commits a traffic infraction for which a fine of \$50 for the first offense and \$250 for a 2nd or subsequent offense may be adjudged.
[PL 2019, c. 579, §2 (AMD).]

4. Supplemental Transportation Fund. All fines collected under this section, other than amounts paid pursuant to Title 4, section 20, must be deposited into the Supplemental Transportation Fund established under Title 23, section 4210-G.

Nothing in this section requires the deposit into the Supplemental Transportation Fund of any penalty or surcharge imposed by a court, including but not limited to a surcharge imposed pursuant to Title 4, section 18-A or 1057.
[PL 2019, c. 486, §10 (NEW).]

SECTION HISTORY

PL 2019, c. 486, §10 (NEW). PL 2019, c. 579, §2 (AMD).

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