

**HOUSE . . . . . No. 1892**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***William M. Straus***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act requiring the hands-free use of mobile telephones while driving.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>William M. Straus</i>	<i>10th Bristol</i>
<i>Mayor Martin J. Walsh</i>	<i>1 City Hall Square Boston, MA</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>

**HOUSE . . . . . No. 1892**

By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 1892) of William M. Straus and others relative to requiring hands-free use of mobile telephones while operating a motor vehicle. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3315 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act requiring the hands-free use of mobile telephones while driving.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 13 of chapter 90, as appearing the 2010 Official Edition, is hereby  
2 amended by striking out the word ‘mobile telephone’ in line 6, and inserting in place thereof the  
3 following word: - ‘hands-free mobile telephone’

4 SECTION 2. Section 13B of chapter 90, as so appearing, is hereby amended by inserting  
5 the following subsection:-

6 (a ½ ) No operator of a motor vehicle shall use a mobile telephone or mobile electronic  
7 device for voice communications, unless said telephone or device is being used as a hands-free  
8 mobile telephone or to activate, deactivate, or initiate a feature or function;. it shall be an  
9 affirmative defense for an operator under this section to produce evidence that the use of a

10 mobile telephone that is the basis of the alleged violation was in the case of an emergency. For  
11 the purpose of this paragraph, an emergency shall mean that the operator needed to communicate  
12 with another to report any of the following: (1) that the vehicle or vessel was disabled; (2) that  
13 medical attention or assistance was required on the vehicle or vessel; (3) that police intervention,  
14 fire department or other emergency services was necessary for the personal safety of a passenger  
15 or to otherwise ensure the safety of the public; or (4) that a disabled vehicle or an accident was  
16 present on a roadway.