

**HOUSE . . . . . No. 3160**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

**Demetrius J. Atsalis**

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*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 passage of the accompanying bill:

An Act prohibiting text messaging, and reading, writing, or sending electronic messaging while driving.

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PETITION OF:

|                      |                   |
|----------------------|-------------------|
| NAME:                | DISTRICT/ADDRESS: |
| Demetrius J. Atsalis | Second Barnstable |

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT PROHIBITING TEXT MESSAGING, AND READING, WRITING, OR SENDING ELECTRONIC MESSAGING 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 2. Said chapter 90, as so appearing in the 2006 Official Edition, is hereby further  
2 amended by inserting after section 13A the following section:—

3           Section 13B. Except as provided in Section 13 of this chapter, a person operating a moving motor vehicle  
4 who, by means of a mobile telephone or an electronic wireless communications device, other than a  
5 voice-activated global positioning or navigation system that is permanently affixed to the vehicle, sends,  
6 reads, or writes a text message, is guilty of a secondary motor vehicle violation. As used in this Section, a  
7 mobile telephone means an electronic wireless device that has an internal feature or function for wireless  
8 communications that shall include, but is not limited to talking or listening to another person on the  
9 telephone, text messaging, or sending an electronic or text message to another mobile wireless telephone  
10 or other electronic communication devices.

11           Enforcement of the provisions of this section prohibiting text messaging or sending, reading, writing, and  
12 responding to an electronic message via a mobile telephone or other electronic communication device  
13 during the operation of a motor vehicle by State or local law enforcement officers shall be enforced as a  
14 secondary motor vehicle offense.