

HOUSE No. 03938

By Mr. Straus of Mattapoisett, for the committee on Transportation, on House, Nos. 1817, 2651, 3069 and 3085, a Bill requiring the hands-free use of mobile telephones while driving (House, No. 3938). February 9, 2012.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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 the
- 5 following subsection:-

- 6 (a ½) No operator of a motor vehicle shall use a mobile telephone or mobile electronic device
- 7 for voice communications, unless said telephone or device is being used as a hands-free mobile
- 8 telephone or to activate, deactivate, or initiate a feature or function;. it shall be an affirmative
- 9 defense for an operator under this section to produce evidence that the use of a mobile telephone
- 10 that is the basis of the alleged violation was in the case of an emergency. For the purpose of this
- 11 paragraph, an emergency shall mean that the operator needed to communicate with another to

12 report any of the following: (1) that the vehicle or vessel was disabled; (2) that medical attention
13 or assistance was required on the vehicle or vessel; (3) that police intervention, fire department
14 or other emergency services was necessary for the personal safety of a passenger or to otherwise
15 ensure the safety of the public; or (4) that a disabled vehicle or an accident was present on a
16 roadway.