

SENATE No. 01732

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 relative to hands free cell phone devices..

PETITION OF:

NAME:

Cynthia S. Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 01732

By Ms. Creem, petition (accompanied by bill, Senate, No. 1732) of Creem for legislation relative to hands free cell phone devices [Joint Committee on Transportation].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 1906 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to hands free cell phone devices..

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 13B of Chapter 90 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by adding at the end, the following new section:-

3 Section 13C:- (a) No individual shall operate a motor vehicle on a public way while
4 using a mobile telephone unless the telephone is affixed to the vehicle, part of a fixture in the
5 vehicle, operated as headgear, or a hands free device.

6 This section shall not apply to the driver of a fire-fighting vehicle, a rescue vehicle, an
7 ambulance; or a state, county, or local public safety official operating a motor vehicle in the
8 course of her duties.

9 (b) A violation of this section shall be punishable by a fine of \$50. A second offense
10 shall be punishable by a fine of \$100. Each subsequent offense shall be punishable by a fine of
11 not more than \$250.

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

20 (d) A penalty under this section shall not be a surchargeable offense under section
21 113B of chapter 175