

SENATE No. 2093

The Commonwealth of Massachusetts

—————
In the One Hundred and Eighty-Ninth General Court
(2015-2016)
—————

SENATE, Thursday, January 14, 2016

The committee on Rules, to whom was referred the Senate Bill to prohibit the use of mobile telephones while operating a motor vehicle (Senate, No. 2032),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2092).

For the committee,
Mark C. Montigny

SENATE No. 2093

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to prohibit the use of mobile telephones while operating a motor vehicle.

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 7B of chapter 90 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in line 72, the word “telephone” and
3 inserting in place thereof the following words:- electronic device.

4 SECTION 2. Section 13 of said chapter 90, as so appearing, is hereby amended by
5 inserting after the word “or”, in line 6, the following word:- hands-free.

6 SECTION 3. Said chapter 90 is hereby amended by striking out section 13B and inserting
7 in place thereof the following section:-

8 Section 13B. (a) No operator of a motor vehicle shall use a mobile electronic device,
9 unless the person is using the device in a hands-free mode, and shall not touch or hold the mobile
10 electronic device while operating a motor vehicle except to activate, deactivate, or initiate a
11 feature or function. No operator of a motor vehicle shall use a mobile electronic device or other
12 device capable of accessing the internet to compose, send or read an electronic message or to
13 input information by hand into a global positioning system or navigation device while operating

14 such vehicle. An operator of a motor vehicle who holds a mobile electronic device to, or in the
15 immediate proximity of the operator's head while operating such vehicle shall be presumed to be
16 in violation of this section. For the purposes of this section, an operator shall not be considered
17 to be operating a motor vehicle if the vehicle is stationary and not located in a part of the
18 roadway intended for travel.

19 (b) Whoever violates this section shall be punished by a fine of \$100 for a first offense,
20 by a fine of \$250 for a second offense and by a fine of \$500 for a third or subsequent offense. A
21 third or subsequent violation of this section shall be considered a moving violation for purposes
22 of the safe driver insurance plan under section 113B of chapter 175.

23 (c) It shall be an affirmative defense for an operator to produce documentary or other
24 evidence that the use of a mobile electronic device that is the basis of the alleged violation was
25 made for emergency purposes. For the purpose of this section, "emergency purposes" shall mean
26 that the operator used the mobile electronic device to communicate with another person to report:
27 (i) that the motor vehicle was disabled; (ii) that medical attention or assistance was required; (iii)
28 that police intervention, fire department or other emergency service was necessary for the
29 personal safety of the operator or a passenger; or (iv) that a disabled vehicle or an accident was
30 present in the roadway.