

By Mr. Koutoujian of Newton, petition of Peter J. Koutoujian and Brian A. Joyce for legislation to prohibit the use of cellular telephones and other of communication devices while operating a motor vehicle. Pubic Safety.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT PROHIBITING THE USE OF CERTAIN COMMUNICATION DEVICES 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 Chapter 90 of the General Laws is hereby amended by inserting
2 after section 24P the following section:—

3 Section 24Q. No person shall operate a motor vehicle on a
4 public way:

5 a. While holding a cellular or mobile telephone or any other
6 communication device in one or both hands or with any other part
7 of the body; and

8 b. While using or operating a cellular or mobile telephone or
9 other communication device unless such a cellular or mobile tele-
10 phone or other communication device is affixed to the vehicle or
11 is part of the fixture in the vehicle and remains so affixed while
12 being used or operated, or is specially adapted or designed to be
13 affixed to the driver as headgear and is so used, to enable such
14 driver to use or operate such telephone or communication device
15 without holding it in the manner contemplated in paragraph (a),
16 and remains so affixed while being used or operated.

17 The provisions of this section shall not apply to the following
18 person operating motor vehicles in the execution of their duties:

- 19 a. The driver of a fire-fighting vehicle;
- 20 b. The driver of a rescue vehicle or an ambulance;
- 21 c. A traffic officer; and

22 d. A state, county, or local police officer; provided they are
23 operating the vehicle with due regard to the safety of others.

24 A first violation of this section shall be punished by a fine of
25 \$100, and second and subsequent violations shall be punished by a
26 fine of \$250.