

By Mr. Scaccia of Boston, petition of Thomas M. Menino, Angelo M. Scaccia, Timothy J. Toomey, Jr., Brian Paul Golden and Ruth B. Balser for legislation to further regulate the use of mobile telephones by operators of motor vehicles. Public Safety.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO RESTRICTING 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 13 of chapter 90 of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended by
3 striking out the first sentence and inserting in place thereof the
4 following sentence:— No person, when operating a motor vehicle,
5 shall permit to be on or in the vehicle or on or about his person
6 anything which may interfere with or impede the proper operation
7 of the vehicle or any equipment by which the vehicle is operated
8 or controlled, except that a person may operate a motor vehicle
9 while using a citizens band radio as long as one hand remains on
10 the steering wheel at all times.

1 SECTION 2. Said chapter 90 is hereby further amended by
2 inserting after section 13A the following section:—

3 Section 13B(a). For the purposes of this section, the following
4 words shall have the following meanings unless the context
5 clearly requires otherwise:

6 “Hands-free technology”, a device, attachment, add-on or addi-
7 tion to a mobile telephone, whether or not permanently installed
8 in the motor vehicle, that when used allows the operator of a
9 motor vehicle to maintain both hands, or a prosthetic device or aid
10 in the case of a person with a disability, on the steering device.

11 “Mobile telephone”, a cellular, analog, wireless or digital tele-
12 phone capable of sending or receiving telephone communications
13 without an access line for service.

14 “Use”, talking or listening on a mobile telephone.

15 (b) No person shall use a mobile telephone while operating a
16 motor vehicle on a public street or way unless such mobile tele-
17 phone is equipped and used with hands-free technology, except
18 during an emergency as described in subsection (e) (1-8).

19 (c) No person under eighteen years of age shall use a mobile
20 telephone while operating a motor vehicle on a public street or
21 way, except during an emergency as described in subsection (e)
22 (1-8).

23 (d) For the purposes of this section, a person shall be deemed to
24 be operating on a public street or way if the vehicle’s gear is in the
25 drive position and the vehicle is moving. A violation of any provi-
26 sion of this section shall be punishable by a fine of one hundred
27 and fifty dollars, and each violation shall constitute a separate
28 offense.

29 (e) Any operator accused of a violation as defined herein may
30 cite as an affirmative defense that the phone call that is the subject
31 of said offense was made under emergency circumstances for the
32 purpose of contacting any of the following:

- 33 1) a 911 emergency telephone number;
- 34 2) a hospital;
- 35 3) an ambulance company or corps;
- 36 4) a fire department, fire district or fire company;
- 37 5) a health clinic;
- 38 6) a doctor’s office;
- 39 7) a first aid squad; or
- 40 8) a police department.

1 SECTION 3. Chapter 166 of the General Laws is hereby
2 amended by adding the following section:—

3 Section 45. As a condition of being licensed as a wireless car-
4 rier in the commonwealth, a wireless carrier shall agree to provide
5 to the Executive Office of Public Safety information relative to
6 any new wireless technology which may be available to con-
7 sumers in the commonwealth on a yearly basis.

1 SECTION 4. The executive office of public safety shall initiate
2 a public service announcement and public awareness campaign on
3 the proper use of a mobile telephone while operating a motor
4 vehicle. The campaign may be financed, in part, by wireless car-
5 riers operating in the commonwealth.

1 SECTION 5. The registrar of motor vehicles shall conduct a
2 study of the methods by which data relative to the role of cellular
3 phone use in motor vehicle accidents may be recorded through
4 existing or new methods of data collection.

1 SECTION 6. Subsection (c) of section 13 (b) of Chapter 90 of
2 the General Laws shall take effect one year after the effective date
3 of this act.

