

HOUSE No. 3237

By Mr. Hill of Ipswich, a petition (accompanied by bill, House, No. 3237) of Bradford R. Hill and others for legislation to further the operation of cell phones in motor vehicles by junior operators. Transportation.

The Commonwealth of Massachusetts

PRESENTED BY:

Bradford R. Hill

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 further regulating junior operators and the use of certain communication devices while operating a motor vehicle.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradford R. Hill	4th Essex
Bruce E. Tarr	
Todd M. Smola	1st Hampden
Barbara A. L'Italien	18th Essex
Richard J. Ross	9th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT FURTHER REGULATING JUNIOR OPERATORS AND 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 Be it enacted by the Senate and House of Representatives in General Court assembled, and by
2 the authority of the same, as follows:

3 SECTION 1. Section 1 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is
4 hereby amended by adding the following definitions:-

5 "Mobile telephone", a cellular, analog, wireless, satellite or digital telephone, including a telephone
6 with two-way radio functionality, capable of sending or receiving telephone communications and with
7 which a user initiates, terminates or engages in a call using at least one hand.

8 "Hands-free accessory", an attachment, add-on, built-in feature or addition to a mobile telephone,
9 whether or not permanently installed in a motor vehicle, that, when used, allows the operator of a motor
10 vehicle to maintain both hands on the steering wheel at all times.

11 "Hands-free mobile telephone", a hand-held mobile telephone that has an internal feature or function,
12 or that is equipped with a hands-free accessory, whether or not permanently part of such hand-held
13 mobile telephone, by which a user initiates, terminates and engages in a call without the use of either
14 hand.

15 "Mobile electronic device", any hand-held or other portable electronic equipment capable of providing
16 data communication between two or more persons, including a text messaging device, a paging device, a
17 personal digital assistant, a laptop computer, equipment that is capable of playing a video game or digital
18 video disk, or equipment on which digital photographs are taken or transmitted, or any combination
19 thereof, or equipment that is capable of visually receiving a television broadcast, but shall not include any
20 audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation or
21 emergency assistance to the operator of such motor vehicle or video entertainment to the passengers in the
22 rear seats of such motor vehicle.

23 SECTION 2. Section 8 of said chapter 90, as so appearing, is hereby amended by inserting after the sixth
24 paragraph the following two paragraphs:-

25 No person under 18 years of age shall use a mobile telephone, a hands-free mobile telephone or a
26 mobile electronic device while operating a motor vehicle on any public way. A junior operator who holds
27 a mobile telephone, a hands-free mobile telephone or a mobile electronic device while operating a vehicle
28 shall be presumed to be using said telephone or device under this section. This presumption may be
29 rebuttable by evidence tending to show that the junior operator was not using said telephone or device.
30 For the purposes of this paragraph, a junior operator shall not be considered to be operating a motor
31 vehicle if the vehicle is stationary and not located in a part of the roadway intended for travel.

32 A junior operator who violates the preceding paragraph shall be punished by a fine of \$100 and shall
33 have his license or permit suspended for 60 days for a first offense, by a fine of \$250 and shall have his
34 license or permit suspended for 180 days for a second offense, and by a fine of \$500 and shall have his
35 license or permit suspended for 1 year for a third or subsequent offense. It shall be an affirmative defense
36 for a junior operator to produce documentary or other evidence that the use of a mobile telephone that is
37 the basis of the alleged violation was made for emergency purposes, including, but not limited to, an
38 emergency call to a law enforcement agency, health care provider, fire department or other emergency
39 services agency or entity.