

SENATE No. 1977

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act prohibiting cellphone use by teens while driving..

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 8 of chapter 90 of the General Laws, as appearing in the 2002
2 official edition, is hereby amended by inserting after the fifth paragraph the following
3 paragraph:-A person under eighteen years of age shall not use a mobile telephone while driving.
4 For the purposes of this section, a “mobile telephone” shall include, but not be limited to, a
5 mobile telephone utilizing cellular, analog, satellite, wireless or digital telephone technology, and
6 capable of sending or receiving telephone communications. A violation of this section shall be
7 punishable by a suspension of his or her driver’s license for not more than one year and fine of
8 not more than \$100. It shall be an affirmative defense for a person under the age of eighteen to
9 produce documentary or other evidence that the telephone call that is the basis of the alleged
10 violation was made for the sole purpose of seeking emergency assistance. A violation of this
11 paragraph shall not be considered as a conviction of a moving violation of the motor vehicle laws
12 for the purpose of determining surcharges on motor vehicle premiums pursuant to section 113 of
13 chapter 175. An insurance company doing business in the commonwealth shall not deny an

14 individual the right to purchase a motor vehicle liability policy based on a violation of this
15 paragraph.

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