

**SENATE . . . . . No. 2246**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act banning texting while driving in the city of Boston..

*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. Notwithstanding section 13 of chapter 90 of the General Laws, or any other  
2 general or special law to the contrary, a person operating a moving motor vehicle in the City of  
3 Boston who, by means of a mobile telephone or an electronic wireless communications device,  
4 other than a voice-activated global positioning or navigation system that is permanently affixed  
5 to the vehicle, sends, reads, or writes a text message, shall be guilty of a civil automobile law  
6 violation as defined in M.G.L. c. 90C, s. 1. As used in this act, a mobile telephone means an  
7 electronic wireless device that has an internal feature or function for wireless communications  
8 that shall include, but is not limited to talking or listening to another person on the telephone,  
9 text messaging, or sending an electronic or text message to another mobile wireless telephone or  
10 other electronic communication devices.

11           SECTION 2. Violations of section 1 of this act shall be punished by a fine of one  
12 hundred (\$100) dollars for the first offense, two hundred (\$200) dollars for a second offense, and  
13 three hundred (\$300) dollars for subsequent offenses committed during any twelve-month  
14 period. The fines imposed pursuant to this act shall be divided as follows: seventy-five (75%)

15 percent of the fines shall be paid over to the treasury of the City of Boston; and twenty-five  
16 (25%) percent of the fines shall be paid over to the treasurer of the commonwealth to be  
17 deposited in the highway fund.

18 SECTION 3. Any law enforcement officer with jurisdiction in the City of Boston is  
19 authorized to enforce the provisions of this act. Said law enforcement officer may stop the motor  
20 vehicle and issue a citation to the operator, but only if the officer observes the violation, as  
21 defined in section one, or has reasonable grounds to believe that a violation of section one has  
22 been committed, is being committed or is about to be committed. Notwithstanding the provisions  
23 of this act, all other administrative enforcement and appeal procedures that apply to chapter 90,  
24 section 13 of the General Laws shall apply to this act.

25 SECTION 4. The provisions of this act shall take effect upon its passage.