

SENATE No. 2336

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act banning texting while driving in the city of Quincy..

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

11 SECTION 2. Violations of section 1 of this Act shall be punished by a fine of \$100 for
12 the first offense, \$200 for a second offense and \$300 for subsequent offenses committed during
13 any 12 month period. The fines imposed under this Act shall be divided as follows: 75 percent of

14 the fines shall be paid over to the Treasury of the City of Quincy and 25 percent of the fines shall
15 be paid over to the Treasurer of the Commonwealth to be deposited into the Highway Fund.

16 SECTION 3. Any law enforcement officer with jurisdiction in the City of Quincy is
17 authorized to enforce the provisions of this Act. Said law enforcement officer may stop the motor
18 vehicle and issue a citation to the operator, but only if the officer observes the violation, as
19 defined in Section 1, or has reasonable grounds to believe that a violation of Section 1 has been
20 committed, is being committed or is about to be committed. Notwithstanding the provisions of
21 this Act, all other administrative enforcement and appeal procedures that apply to section 13 of
22 Chapter 90 shall apply to this Act.

23 SECTION 4. The provisions of this Act shall take effect upon its passage.