

HOUSE No. 2651

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

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 adoption of the accompanying bill:

An Act relative to safer driving.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/21/2011</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>	<i>2/3/2011</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>2/3/2011</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/3/2011</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2011</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>	<i>2/3/2011</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>2/4/2011</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>	<i>2/1/2011</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	<i>2/2/2011</i>

HOUSE No. 2651

By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 2651) of Jay R. Kaufman and others for legislation to require motor vehicle operators to use hands-free mobile telephones and devices. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to safer 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 13B of chapter 90 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by striking subsection (a) and inserting in place thereof:--

3 a.No operator of a motor vehicle shall use a mobile electronic device or a mobile
4 telephone, unless said telephone is a hands-free mobile telephone. For the purposes of this
5 section, an operator shall not be considered to be operating a motor vehicle if the vehicle is
6 stationary and not located in a part of the public way intended for travel. It shall be an
7 affirmative defense for an operator to produce evidence that the use of a mobile electronic device
8 or a mobile telephone that is the basis of the alleged violation was for emergency purposes. For
9 the purpose of this section, an emergency shall mean that the operator used the mobile telephone
10 or mobile electronic device to communicate with another to report any of the following: (i) that
11 the motor vehicle was disabled; (ii) that medical attention or assistance was required; (iii) that
12 police intervention, fire department or other emergency service was necessary for the personal

13 safety of the operator or a passenger; or (iv) that a disabled vehicle or an accident was present in
14 the public way.

15

16 Section 2. Section 13B of chapter 90 of the General Laws, as appearing in the 2008
17 Official Edition, is hereby further amended by inserting at the end of Section 13B a new
18 subsection:--

19 d. A fine , as established in subsection b of this section shall be suspended for a first
20 offense if the operator provides proof of acquisition of a hands-free accessory subsequent to the
21 violation but prior to the imposition of a fine.